



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

APR 26 2016

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7015 1730 0000 9218 3904

Mr. Alexander Gomez, President
GMD Shipyard Corp.
Brooklyn Navy Yard BLDG. #595
63 Flushing Avenue, Unit #276
Brooklyn, New York 11205

Re: **Administrative Docket No. CWA-02-2016-3036**
GMD Shipyard Corp., SPDES Tracking No. NYR00D162
Clean Water Act Administrative Compliance Order

Dear Mr. Gomez:

The United States Environmental Protection Agency ("EPA"), Region 2, has made a finding that GMD Shipyard Corp. ("Respondent") is in violation of the Clean Water Act (33 U.S.C. § 1251 et seq.) ("CWA" or "Act") for violating provisions of the New York State Department of Environmental Conservation ("NYSDEC") State Pollutant Discharge Elimination System ("SPDES") Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity ("MSGP"). Enclosed is an Administrative Compliance Order ("Order"), Docket No. CWA-02-2016-3036, issued pursuant to Sections 308 and 309 of the CWA, which details the findings.

Please acknowledge receipt of this Order by signing the acknowledgment page and returning the acknowledgment page by mail in the enclosed envelope. Failure to comply with the enclosed Order may subject the Respondent to civil/criminal penalties pursuant to Section 309 of the CWA and subject the Respondent to ineligibility for participation in work associated with Federal contracts, grants or loans.

Also enclosed is the Compliance Evaluation Inspection ("CEI") Report based on EPA's February 26, 2016 CEI of the subject Facility.

If you have any questions regarding the enclosed Order, please contact Ms. Justine Modigliani, P.E., Chief, Compliance Section, at (212) 637-4268.

Sincerely,


Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Enclosures

cc: Joe DiMura. NYSDEC w/enclosures
Robert Elburn. Regional Water Engineer, NYSDEC Region 2 w/enclosures

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

GMD Shipyard Corp.
Brooklyn Navy Yard Bldg. #595
63 Flushing Avenue, Unit #278
Brooklyn, New York 11205

Proceeding pursuant to Sections 308(a)
309(a)(3) of the Clean Water Act, 33 U.S.C.
§§ 1318(a) and 1319(a)(3)

RESPONDENT

**ADMINISTRATIVE
COMPLIANCE ORDER**

CWA-02-2016-3036

The following Administrative Compliance Order ("Order") is issued pursuant to Sections 308(a) and 309(a)(3) of the Clean Water Act ("CWA" or "Act"), 33 U.S.C. §§ 1318(a) and 1319(a)(3). This authority has been delegated by the Administrator of the United States Environmental Protection Agency ("EPA") to the Regional Administrator, EPA Region 2, and since further redelegated to the Director, Division of Enforcement and Compliance Assistance, Region 2, EPA.

A. LEGAL AUTHORITY

1. Section 301(a) of the CWA, 33 U.S.C. § 1311 (a), makes it unlawful for any person to discharge any pollutant from a point source to waters of the United States, except, among other things, with the authorization of, and in compliance with, a National Pollutant Discharge Elimination System ("NPDES") permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.
2. Section 402 of the CWA, 33 U.S.C. § 1342, authorizes the Administrator of EPA to issue a NPDES permit for the discharge of any pollutant, or combination of pollutants subject to certain requirements of the CWA and conditions which the Administrator determines are necessary. The New York State Department of Environmental Conservation ("NYSDEC") is the agency with the authority to administer the federal NPDES program in New York pursuant to Section 402(b) of the CWA, 33 U.S.C. § 1342(b). Under this authority, a State Pollutant Discharge Elimination System ("SPDES") permit is required to be issued to facilities by the NYSDEC for the discharge of pollutants from a point source to a navigable water of the United States. EPA maintains concurrent enforcement authority with authorized states for violations of the CWA.
3. "Person" is defined by Section 502(5) of the CWA, 33 U.S.C. § 1362(5), to include an individual, corporation, partnership, association or municipality.
4. "Discharge of a pollutant" is defined by Section 502(12) of the CWA, 33 U.S.C. § 1362(12), to include any addition of any pollutant to navigable waters from any point source.

5. "Pollutant" is defined by Section 502(6) of the CWA, 33 U.S.C. § 1362(6), to include among other things, solid waste, dredged spoil, rock, sand, cellar dirt, sewage, sewage sludge and industrial, municipal and agricultural waste discharged to water.
6. "Point source" is defined by Section 502(14) of the CWA, 33 U.S.C. § 1362(14), to include any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.
7. "Navigable waters" is defined by Section 502(7) of the CWA, 33 U.S.C. § 1362(7), as the waters of the United States, including the territorial seas, and, at the time of the violations at issue here, "waters of the United States" was defined by 40 C.F.R. § 122.2, to include: all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; all interstate waters, including interstate "wetlands;" all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, "wetlands," sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce, including tributaries thereto.
8. "Owner or operator" is defined by 40 C.F.R. § 122.2 as the owner or operator of any "facility or activity" subject to regulation under Section 402 of the CWA, 33 U.S.C. § 1342(a).
9. Section 308(a) of the CWA, 33 U.S.C. § 1318(a), provides, in relevant part, that the Administrator of the EPA may require the owner or operator of any point source to, among other things: establish and maintain such records; make such reports; install, use and maintain such monitoring equipment; sample such effluents; and provide such other information as may reasonably be required to carry out the objective of the CWA.
10. Section 309(a) of the CWA, 33 U.S.C. § 1319(a) authorizes the Administrator to issue an order requiring compliance or commence a civil action when any person is found to be in violation of Section 301 of the CWA, 33 U.S.C. § 1311, or in violation of any permit condition or limitation in a permit issued under Section 402 of the CWA, 33 U.S.C. § 1342.
11. Section 402(p) of the CWA, 33 U.S.C. § 1342(p), sets forth the requirements for municipal and industrial stormwater discharges.
12. The Administrator of EPA has promulgated regulations, 40 C.F.R. § 122.26(a)(1)(ii) and § 122.26(b)(14), which require operators to obtain a NPDES permit for stormwater discharges associated with industrial activity. The regulations at 40 C.F.R. § 122.26(b)(14) establish requirements for stormwater discharges associated with industrial activity.
13. The terms "Industrial Stormwater Permit," "Multi-Sector General Permit" or "MSGP" mean the NYSDEC SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity, as defined by the present general permit number, GP-0-12-001. The current MSGP, GP-0-12-001, became effective on October 1, 2012 and will expire on September 30, 2017. GP-0-12-001 replaced the former MSGP, GP-0-11-009, which expired on September 30, 2012. GP-0-12-001 and GP-0-11-009 were preceded by GP-0-06-002, which became effective on March 28, 2007 and expired on September 30, 2012. GP-0-06-002 was preceded by GP-98-03,

which became effective on November 1, 1998, expired on November 1, 2003, and was administratively extended by NYSDEC until the issuance of GP-0-06-002.

14. Pursuant to 40 C.F.R. § 122.41(a), permittees must comply with all conditions of their permit, and any permit noncompliance constitutes a violation of the CWA and is grounds for enforcement action.
15. Section 309(a) of the CWA, 33 U.S.C. § 1319(a), authorizes EPA to commence an administrative enforcement action for violations of “any condition or limitation which implements [among others, sections 301 or 402]” of the CWA, and to “issue an order requiring [compliance with the applicable] section or requirement . . .”

B. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Respondent GMD Shipyard Corp., is a corporation, formed under the laws of New York State, and is, therefore, a “person” within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5).
2. The Respondent operates the GMD Shipyard Corp. dry dock facility (“Site” or “Facility”), which is located at Brooklyn Navy Yard Bldg. #595, 63 Flushing Avenue, Unit #278 in Brooklyn, New York 11205. Therefore, the Respondent is an owner or operator within the meaning of 40 C.F.R. § 122.2.
3. Stormwater discharges from the Facility into the East River via outfall pipes and drainage structures. The East River is a traditionally navigable water of the United States, as that term is defined in Section 502(7) of the CWA, 33 U.S.C. § 1362(7) and 40 C.F.R. § 122.2.
4. The Respondent’s operations at the Facility are classified by Standard Industrial Classification (“SIC”) Code 3731 (Ship Building and Repairing).
5. On March 12, 2008, the Respondent submitted a Notice of Intent (“NOI”) to gain coverage under the MSGP GP-0-06-002, and the NOI was received by the NYSDEC on March 14, 2008. The Facility subsequently gained coverage under SIC Code 3731, Sector R: Ship and Boat Building or Repairing Yards, of the MSGP, under SPDES ID No. NYR00D162. On December 21, 2012, the Respondent submitted a NOI to gain coverage under the NYSDEC SPDES MSGP GP-0-12-001, and the NOI was received by the NYSDEC on December 26, 2012.
6. On May 14, 2014, EPA conducted a Compliance Evaluation Inspection (“May 14, 2014 CEI”) at the Facility and EPA identified violations of the Facility’s MSGP.
7. On July 24, 2014, EPA issued the Respondent an Administrative Order, Docket No. CWA-02-2014-3050, which was mailed to the Respondent along with a copy of the May 14, 2014 CEI Report, and which ordered the Respondent to correct the above violations and come into compliance with the Act.
8. On February 26, 2016, EPA conducted a Compliance Evaluation Inspection (“CEI”) at the Facility.

9. Based on the CEI findings, the EPA finds that the Respondent has failed to comply with the CWA and the conditions and limitations of the MSGP, including but not limited to the following:
- a. Part I.B.1.a.(2).(j) of the MSGP states that the owner or operator must eliminate non-stormwater discharges not authorized by a SPDES permit. On April 24, 2015, GMD Shipyard Corp. submitted a permit application to the NYSDEC to obtain coverage under an individual SPDES Permit. At the time of the CEI, the NYSDEC had not issued GMD Shipyard Corp. an individual SPDES Permit. Therefore, at the time of the inspection, non-stormwater discharges at the Facility that are not authorized by the MSGP or a SPDES permit at the Facility include:
 - i. At the time of the inspection, EPA inspector McEathron observed discharges at Dry Dock 5 from stripping/sump pump Outfall 005 to the East River. At the time of the inspection, Dry Dock 5 contained a vessel being serviced, the drainage channels were filled with spent grit and waste and remnants of the spent grit pile at the east end of the dry dock which was first observed during EPA's May 14, 2014 CEI as well as a new spent grit pile observed for the first time by EPA at the time of this inspection; and
 - ii. Main Pumps at Dry Docks 1, 5 and 6 discharge to the East River via Outfalls 001 and 007. The Main Pump discharges contain East River water that has come into contact with large piles of grit, soil and waste on Dry Docks 5 and 6 as well as any additional raw and waste materials not removed from the dry docks prior to flooding.
 - b. Part III.A of the MSGP requires permittees to implement a Stormwater Pollution Prevention Plan ("SWPPP"). The Facility failed to implement the SWPPP as required by Part III.A of the MSGP in the following ways:
 - i. Part III.C.7.g of the MSGP states that all SWPPPs developed under the MSGP shall ensure that waste, garbage and floatable debris are not discharged to receiving waters. Section 4.1.1 of the Facility's SWPPP states that the Facility is to regularly pickup and dispose of garbage and waste materials and Section 4.1.2 of the Facility's SWPPP states that paints will be stored on containment systems, secondary containment to prevent accidental leaks and spills. In addition, Section 3.3.2 of the Facility's SWPPP states that when spent abrasives are not immediately removed for disposal they are stockpiled in a designated waste grit area in the main shipyard, blocked in using large brick blocks, surrounded with hay bales and covered with tarps awaiting transit. At the time of the inspection, EPA inspector McEathron observed the following garbage and waste materials at the Facility exposed to stormwater and uphill from stormwater catch basins:
 - 1. Used paint containers outside, exposed to stormwater and without containment at two (2) locations on Berth 9 uphill from catch basins; and
 - 2. Spent grit and other waste in a thin layer over a section of Berth 8 and accumulated in an uncovered small pile without barriers such as hay bales or large brick blocks.
 - ii. Part VIII.R of the MSGP states that the SWPPP must include a schedule for regularly cleaning storm systems to remove deposits of abrasive blasting debris and paint chips. Section 4.1.1 of the Facility's SWPPP states that the Facility must maintain dry and clean floors, ground surfaces, dry dock floors, and storm drains by using brooms, shovels, vacuum cleaners, and cleaning machines prior to and after

ship docking. According to the Facility representative, portions of the stormwater drainage system on Site have not been completely cleaned out because the debris in the structures is too hard to break through and additional tools are necessary. At the time of the inspection, EPA inspector McEathron observed components of the storm system that were filled with debris as detailed below:

1. Catch basin filled with debris located on Berth 9; and
 2. At least two (2) additional catch basins located underneath the pooling water and a layer of spent grit on Berth 8 where the spent grit pile was previously located.
- iii. Part VIII.R of the MSGP states that the SWPPP must describe procedures for cleaning the accessible areas of the dry dock prior to flooding. Section 3.2.2 of the SWPPP states that prior to flooding, the dry docks are inspected and cleaned to prevent contact of tidal water with potential pollutants; Section 4.2.4 of the Facility's SWPPP states that prior to flooding the dry docks are to be cleaned of all materials; and Section 4.3.1 of the Facility's SWPPP states that spent abrasive materials are collected and removed from graving docks prior to flooding. According to the Facility representative and observations at the time of the inspection, the following materials have not been removed from the dry dock prior to flooding:
1. A large pile of spent grit, soil, sediment, trash and other materials in the southeast end of Dry Dock 5. According to the Facility representative, this pile has been at this location for over fifteen (15) years. Therefore, the material has not been removed when the dry dock is flooded and the material is completely submerged with water. This pile appeared to be only slightly smaller than when EPA first observed the pile at the time of the May 14, 2014 CEI;
 2. A large pile of spent grit, soil, sediment, trash and other materials in the southeast end of Dry Dock 6. According to the Facility representative, this pile has been at this location for over fifteen (15) years. Therefore, the material has not been removed when the dry dock is flooded and the material is completely submerged with water. EPA inspector McEathron was unable to identify any changes in shape or size of this pile since EPA's May 14, 2014 CEI; and
 3. At the time of the inspection, EPA inspector McEathron observed spent grit, debris and waste in the north and south drainage channels and along the floor of Dry Dock 5 and Dry Dock 6.

10. Based upon Paragraphs 1-9 above, EPA finds that Respondent is in violation of Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342, and applicable implementing regulations.

C. REQUESTED INFORMATION

Based on the Findings of Fact and Conclusions of Law, above, and pursuant to the authority of Section 308(a) of the CWA, 33 U.S.C. § 1318(a), Respondent is required to submit to the EPA the following:

1. Within **seventy-five (75) days** of receipt of this Order, submit to EPA a signed certification statement along with a detailed written report that includes the following:

- a. Confirmation that all waste, spent grit and other sources of pollutants have been completely removed from all of the dry docks including all drainage structures on the dry docks;
 - b. A summary of all the measures taken to comply with item i above within the deadline;
 - c. Photographs of the entire Facility and all dry docks to document complete removal of the waste material;
 - d. Waste disposal receipts; and
 - e. Costs, including labor, associated with each.
2. Submit quarterly report detailing the status of the April 24, 2015 permit application to the NYSDEC to obtain coverage under an individual SPDES Permit. This report shall include copies of any correspondence with NYSDEC, public notifications, sampling results, and other information relevant to the permitting process. Quarterly reports are due within thirty (30) days of receipt of this Order, and every June 1, September 1, December 1, and March 1 until the submission includes the final permit issued by NYSDEC.

D. ORDERED PROVISIONS

Based upon the foregoing and pursuant to the authority of Section 309(a)(3) of the Act, it is hereby ORDERED that:

1. Immediately upon receipt of the original copy of the Order, a responsible official of GMD Shipyard Corp. shall complete and sign the acknowledgment of receipt of the Order and return said original to the Chief, Water Compliance Branch, in the enclosed envelope to the address listed in paragraph E.1, below.
2. Respondent shall begin immediately and complete no later than **sixty (60) days** of receipt of this Order implementation of SWPPP practices at the following areas/operations at the Facility that contribute or potentially contribute pollutants to the East River, as required by Part III.A of the MSGP, including but not limited to eliminating each of the following sources of pollutants:
 - a. Garbage and waste materials exposed to stormwater and uphill from stormwater catch basins shall be removed and disposed of properly, as required by Part III.C.7.g of the MSGP and Section 4.1.1 of the SWPPP, including but not limited to the following:
 1. Used paint containers outside, exposed to stormwater and without containment at two (2) locations on Berth 9 uphill from catch basins; and
 2. Spent grit and other waste in a thin layer over a section of Berth 8 and accumulated in an uncovered small pile without barriers such as hay bales or large brick blocks.
 - b. Storm system components shall be cleaned and the debris, spent grit, sediment and waste shall be removed and disposed of properly, as required by Part VII.R of the MSGP and Section 4.1.1 of the SWPPP, including but not limited to the following:
 1. Catch basin filled with debris on Berth 9; and
 2. At least two (2) additional catch basins located underneath the pooling water and a layer of spent grit on Berth 8 where the spent grit pile was previously located.

- c. All dry docks shall be completely cleaned prior to flooding as required by Part VIII.R of the MSGP and Section 4.3.1 of the SWPPP, including removing all waste material and sources of pollution from all dry docks, including but not limited to the following:
1. A large pile of spent grit, soil, sediment, trash and other materials in the southeast end of Dry Dock 5;
 2. A large pile of spent grit, soil, sediment, trash and other materials in the southeast end of Dry Dock 6; and
 3. Spent grit, debris and waste in the north and south drainage channels and along the floor of Dry Dock 5 and Dry Dock 6.

E. GENERAL PROVISIONS

1. All information or documents required to be submitted by Respondent as part of this Order shall be sent by certified mail or its equivalent to the following addresses:

Douglas McKenna, Chief
Water Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2
290 Broadway, 20th Floor
New York, New York 10007-1866

and

Joseph DiMura, P.E., Director
Bureau of Water Compliance Programs
Division of Water, NYSDEC
625 Broadway
Albany, New York 12233-3506

2. Pursuant to 40 C.F.R. § 122.22, all information or documents required to be submitted by Respondent shall be signed by an authorized representative of Respondent, and shall include the following certification:

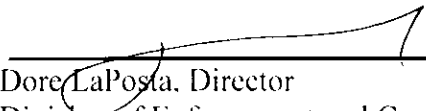
"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

3. The Respondent shall have the opportunity, for a period of twenty (20) days from the date of receipt of this Order, to confer regarding the Ordered Provisions, with the following designated Agency representative:

Douglas McKenna, Chief
Water Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2
290 Broadway, 20th Floor
New York, New York 10007-1866
(212) 637-4244

4. Respondent has the right to seek immediate federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706. Section 706, which is set forth at <http://uscode.house.gov/download/pls/05C7.txt>, which provides the grounds for such review.
5. This Order does not constitute a waiver from compliance with, or a modification of, the effective terms and conditions of the CWA, its implementing regulations, or any applicable permit, which remain in full force and effect. This Order is an enforcement action taken by EPA to ensure swift compliance with the CWA. Issuance of this Order shall not be deemed an election by EPA to forego any civil or criminal actions for penalties, fines, imprisonment, or other appropriate relief under the CWA.
6. Notice is hereby given that failure to comply with the terms of the CWA Section 309(a)(3) Compliance Order may result in your liability for civil penalties for each violation of up to \$37,500.00 per day under Section 309(d) of the CWA, 33 U.S.C. § 1319(d), as modified by 40 C.F.R., Part 19. Upon suit by EPA, the United States District Court may impose such penalties if, after notice and opportunity for hearing, the Court determines that you have violated the CWA as described above and failed to comply with the terms of the Compliance Order. The District Court has the authority to impose separate civil penalties for any violations of the CWA and for any violations of the Compliance Order.
7. If any provision of this Order is held by a court of competent jurisdiction to be invalid, any surviving provisions shall remain in full force and effect.
8. This Order shall become effective upon the date of execution by the Director, Division of Enforcement and Compliance Assistance.

Dated: April 24, 2016

Signed: 
Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

GMD Shipyard Corp.
Brooklyn Navy Yard Bldg. #595
63 Flushing Avenue, Unit #278
Brooklyn, New York 11205

Proceeding pursuant to Sections 308(a) and
309(a)(3) of the Clean Water Act, 33 U.S.C.
§§ 1318(a) and 1319(a)(3)

RESPONDENT

**ADMINISTRATIVE
COMPLIANCE ORDER**

CWA-02-2016-3036

**ACKNOWLEDGMENT OF RECEIPT OF
ADMINISTRATIVE COMPLIANCE ORDER**

I, _____, an authorized representative of GMD Shipyard Corp.,

with the title of, _____, do hereby acknowledge the receipt of copy of

the ADMINISTRATIVE COMPLIANCE ORDER, CWA-02-2016-3036.

DATE: _____

SIGNED: _____



United States Environmental Protection Agency
Washington, D.C. 20460

Water Compliance Inspection Report

Section A: National Data System Coding (i.e., PCS)

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/> 10 <input type="checkbox"/> 11 <input type="checkbox"/> 12 <input type="checkbox"/> 13 <input type="checkbox"/> 14 <input type="checkbox"/> 15 <input type="checkbox"/> 16 <input type="checkbox"/> 17 <input type="checkbox"/> 18 <input type="checkbox"/> 19 <input type="checkbox"/> 20 <input type="checkbox"/>					
Remarks					
21 <input type="checkbox"/> 22 <input type="checkbox"/> 23 <input type="checkbox"/> 24 <input type="checkbox"/> 25 <input type="checkbox"/> 26 <input type="checkbox"/> 27 <input type="checkbox"/> 28 <input type="checkbox"/> 29 <input type="checkbox"/> 30 <input type="checkbox"/> 31 <input type="checkbox"/> 32 <input type="checkbox"/> 33 <input type="checkbox"/> 34 <input type="checkbox"/> 35 <input type="checkbox"/> 36 <input type="checkbox"/> 37 <input type="checkbox"/> 38 <input type="checkbox"/> 39 <input type="checkbox"/> 40 <input type="checkbox"/> 41 <input type="checkbox"/> 42 <input type="checkbox"/> 43 <input type="checkbox"/> 44 <input type="checkbox"/> 45 <input type="checkbox"/> 46 <input type="checkbox"/> 47 <input type="checkbox"/> 48 <input type="checkbox"/> 49 <input type="checkbox"/> 50 <input type="checkbox"/> 51 <input type="checkbox"/> 52 <input type="checkbox"/> 53 <input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56 <input type="checkbox"/> 57 <input type="checkbox"/> 58 <input type="checkbox"/> 59 <input type="checkbox"/> 60 <input type="checkbox"/> 61 <input type="checkbox"/> 62 <input type="checkbox"/> 63 <input type="checkbox"/> 64 <input type="checkbox"/> 65 <input type="checkbox"/> 66 <input type="checkbox"/> 67 <input type="checkbox"/> 68 <input type="checkbox"/> 69 <input type="checkbox"/> 70 <input type="checkbox"/> 71 <input type="checkbox"/> 72 <input type="checkbox"/> 73 <input type="checkbox"/> 74 <input type="checkbox"/> 75 <input type="checkbox"/> 76 <input type="checkbox"/> 77 <input type="checkbox"/> 78 <input type="checkbox"/> 79 <input type="checkbox"/> 80 <input type="checkbox"/>					
Inspection Work Days	Facility Self-Monitoring Evaluation Rating	BI	QA	Reserved	
67 <input type="checkbox"/> 68 <input type="checkbox"/> 69 <input type="checkbox"/>	70 <input type="checkbox"/>	71 <input type="checkbox"/>	72 <input type="checkbox"/>	73 <input type="checkbox"/> 74 <input type="checkbox"/> 75 <input type="checkbox"/> 76 <input type="checkbox"/> 77 <input type="checkbox"/> 78 <input type="checkbox"/> 79 <input type="checkbox"/> 80 <input type="checkbox"/>	

Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number) GMD Shipyard Corp. Brooklyn Navy Yard 63 Flushing Avenue, Unit #278 Brooklyn, NY 11205	Entry Time/Date 9:45 AM / 02/26/2016	Permit Effective Date 10/01/2012
	Exit Time/Date 11:30 AM / 02/26/2016	Permit Expiration Date 09/30/2017
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Kevin Nugent, Director of Health, Safety and Environment GMD Shipyard Corp., Brooklyn Navy Yard, BLDG. 595 63 Flushing Avenue, Unit #278, Brooklyn, NY 11205 Phone: 718-260-9200	Other Facility Data (e.g., SIC NAICS, and other descriptive information) SIC Code: 3731 Lat/Long: 40.700, -73.969	
Name, Address of Responsible Official/Title/Phone and Fax Number Alexander Gomez, President GMD Shipyard Corp., Brooklyn Navy Yard, BLDG. 595 63 Flushing Avenue, Unit #278, Brooklyn, NY 11205 Phone: 718-260-9200	Contacted <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Section C: Areas Evaluated During Inspection (Check only those areas evaluated)

<input checked="" type="checkbox"/> Permit	<input type="checkbox"/> Self-Monitoring Program	<input type="checkbox"/> Pretreatment	<input type="checkbox"/> MS4
<input type="checkbox"/> Records/Reports	<input type="checkbox"/> Compliance Schedules	<input checked="" type="checkbox"/> Pollution Prevention	
<input checked="" type="checkbox"/> Facility Site Review	<input type="checkbox"/> Laboratory	<input checked="" type="checkbox"/> Storm Water	
<input type="checkbox"/> Effluent/Receiving Waters	<input checked="" type="checkbox"/> Operations & Maintenance	<input type="checkbox"/> Combined Sewer Overflow	
<input type="checkbox"/> Flow Measurement	<input type="checkbox"/> Sludge Handling/Disposal	<input type="checkbox"/> Sanitary Sewer Overflow	

Section D: Summary of Findings/Comments

(Attach additional sheets of narrative and checklists, including Single Event Violation codes, as necessary)

SEV Codes	SEV Description	See attached inspection report, photographs and photograph log.
<input type="checkbox"/> B <input type="checkbox"/> N <input type="checkbox"/> 1 <input type="checkbox"/> 9 <input type="checkbox"/> A	WW Storm Water Non-Construction - Failure to implement BMPs	
<input type="checkbox"/> B <input type="checkbox"/> N <input type="checkbox"/> 1 <input type="checkbox"/> 9 <input type="checkbox"/> B	WW Storm Water Non-Construction - Failure to maintain BMPs	
<input type="checkbox"/> D <input type="checkbox"/> 0 <input type="checkbox"/> N <input type="checkbox"/> 1 <input type="checkbox"/> 1	WW Storm Water Non-Construction - Discharge without a permit	
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Phone and Fax Numbers	Date
	USEPA/DECA-WCB/212-637-4228	4/7/2016
Signature of Management Q A Reviewer	Agency/Office/Phone and Fax Numbers	Date
	USEPA/DECA-WCB/212-637-4268	4/8/16

INSTRUCTIONS

Section A: National Data System Coding (i.e., PCS)

Column 1: Transaction Code. Use N, C, or D for New, Change, or Delete. All inspections will be *new* unless there is an error in the data entered.

Columns 3-11: NPDES Permit No. Enter the facility's NPDES permit number - third character in permit number indicates permit type for U=unpermitted, G=general permit, etc.. (Use the Remarks columns to record the State permit number, if necessary.)

Columns 12-17: Inspection Date. Insert the date entry was made into the facility. Use the year/month/day format (e.g., 04/10/01 = October 01, 2004).

Column 18: Inspection Type*. Use one of the codes listed below to describe the type of inspection:

A	Performance Audit	U	IU Inspection with Pretreatment Audit	!	Pretreatment Compliance (Oversight)
B	Compliance Biomonitoring	X	Toxics Inspection	@	Follow-up (enforcement)
C	Compliance Evaluation (non-sampling)	Z	Sludge - Biosolids	{	Storm Water-Construction-Sampling
D	Diagnostic	#	Combined Sewer Overflow-Sampling	}	Storm Water-Construction-Non-Sampling
F	Pretreatment (Follow-up)	\$	Combined Sewer Overflow-Non-Sampling	:	Storm Water-Non-Construction-Sampling
G	Pretreatment (Audit)	+	Sanitary Sewer Overflow-Sampling	~	Storm Water-Non-Construction-Non-Sampling
I	Industrial User (IU) Inspection	&	Sanitary Sewer Overflow-Non-Sampling	<	Storm Water-MS4-Sampling
J	Complaints	'	CAFO-Sampling	-	Storm Water-MS4-Non-Sampling
M	Multimedia	=	CAFO-Non-Sampling	>	Storm Water-MS4-Audit
N	Spill	2	IU Sampling Inspection		
O	Compliance Evaluation (Oversight)	3	IU Non-Sampling Inspection		
P	Pretreatment Compliance Inspection	4	IU Toxics Inspection		
R	Reconnaissance	5	IU Sampling Inspection with Pretreatment		
S	Compliance Sampling	6	IU Non-Sampling Inspection with Pretreatment		
		7	IU Toxics with Pretreatment		

Column 19: Inspector Code. Use one of the codes listed below to describe the *lead agency* in the inspection.

A	State (Contractor)	O	Other Inspectors, Federal/EPA (Specify in Remarks columns)
B	EPA (Contractor)	P	Other Inspectors, State (Specify in Remarks columns)
E	Corps of Engineers	R	EPA Regional Inspector
J	Joint EPA/State Inspectors—EPA Lead	S	State Inspector
L	Local Health Department (State)	T	Joint State/EPA Inspectors—State lead
N	NEIC Inspectors		

Column 20: Facility Type. Use one of the codes below to describe the facility.

- 1 — Municipal. Publicly Owned Treatment Works (POTWs) with 1987 Standard Industrial Code (SIC) 4952.
- 2 — Industrial. Other than municipal, agricultural, and Federal facilities.
- 3 — Agricultural. Facilities classified with 1987 SIC 0111 to 0971.
- 4 — Federal. Facilities identified as Federal by the EPA Regional Office.
- 5 — Oil & Gas. Facilities classified with 1987 SIC 1311 to 1389.

Columns 21-66: Remarks. These columns are reserved for remarks at the discretion of the Region.

Columns 67-69: Inspection Work Days. Estimate the total work effort (to the nearest 0.1 work day), up to 99.9 days, that were used to complete the inspection and submit a QA reviewed report of findings. This estimate includes the accumulative effort of all participating inspectors; any effort for laboratory analyses, testing, and remote sensing; and the billed payroll time for travel and pre and post inspection preparation. This estimate does not require detailed documentation.

Column 70: Facility Evaluation Rating. Use information gathered during the inspection (regardless of inspection type) to evaluate the quality of the facility self-monitoring program. Grade the program using a scale of 1 to 5 with a score of 5 being used for very reliable self-monitoring programs, 3 being satisfactory, and 1 being used for very unreliable programs.

Column 71: Biomonitoring Information. Enter D for static testing. Enter F for flow through testing. Enter N for no biomonitoring.

Column 72: Quality Assurance Data Inspection. Enter Q if the inspection was conducted as followup on quality assurance sample results. Enter N otherwise.

Columns 73-80: These columns are reserved for regionally defined information.

Section B: Facility Data

This section is self-explanatory except for "Other Facility Data," which may include new information not in the permit or PCS (e.g., new outfalls, names of receiving waters, new ownership, other updates to the record, SIC/NAICS Codes, Latitude/Longitude).

Section C: Areas Evaluated During Inspection

Check only those areas evaluated by marking the appropriate box. Use Section D and additional sheets as necessary. Support the findings, as necessary, in a brief narrative report. Use the headings given on the report form (e.g., Permit, Records/Reports) when discussing the areas evaluated during the inspection.

Section D: Summary of Findings/Comments

Briefly summarize the inspection findings. This summary should abstract the pertinent inspection findings, not replace the narrative report. Reference a list of attachments, such as completed checklists taken from the NPDES Compliance Inspection Manuals and pretreatment guidance documents, including effluent data when sampling has been done. Use extra sheets as necessary.

*Footnote: In addition to the inspection types listed above under column 18, a state may continue to use the following wet weather and CAFO inspection types until the state is brought into ICIS-NPDES: K: CAFO, V: SSO, Y: CSO, W: Storm Water 9: MS4. States may also use the new wet weather, CAFO and MS4 inspections types shown in column 18 of this form. The EPA regions are required to use the new wet weather, CAFO, and MS4 inspection types for inspections with an inspection date (DTIN) on or after July 1, 2005.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2, DECA-WCB
20th Floor, 290 Broadway, NY, NY 10007

COMPLIANCE EVALUATION INSPECTION REPORT

Compliance Evaluation Inspection: GMD Shipyard Corp.	
Inspection Date: February 26, 2016	EPA Inspector: Kimberly McEathron, Physical Scientist, USEPA Region 2, (212) 637-4228
Inspection Time: 9:45 AM – 11:30 AM	
On-Site Representative: Kevin Nugent, Director of Health, Safety and Environment, GMD Shipyard Corp., (718) 260-9200	
Site Information:	Lat / Long: 40.700, -73.969 GMD Shipyard Corp. Brooklyn Navy Yard BLDG. 595 63 Flushing Avenue Unit #278 Brooklyn, NY 11205 SPDES/ICIS No. NYR00D162
SIC Code:	3731 – Ship Building and Repairing

INTRODUCTION:

On February 26, 2016, the United States Environmental Protection Agency (EPA) conducted a Compliance Evaluation Inspection (CEI) at the GMD Shipyard Corp. facility located in the Brooklyn Navy Yard at 63 Flushing Avenue, Unit #278 in Brooklyn, New York ("Site" or "Facility"). Ms. Kimberly McEathron, of EPA Region 2, led the CEI and conducted a Site walk-through. Weather conditions at the time of the CEI were dry and approximately 35°F. Mr. Kevin Nugent, Director of Health, Safety and Environment, was present at the time of the inspection and represented the Facility.

EPA conducted this CEI in response to an anonymous complaint received on February 16, 2016, alleging that GMD Shipyard failed to clean contaminants off the dry dock prior to flooding. In addition, this CEI assessed the status of compliance with the Clean Water Act (CWA), the Facility's State Pollutant Discharge Elimination System (SPDES) Permit, and EPA's Administrative Compliance Order (CWA-02-2014-3050) issued on July 24, 2014. Records were not reviewed at the time of the inspection. Prior to the inspection, EPA reviewed the Facility's Best Management Practices (BMP) Plan dated October 2014, which serves as the Facility's Stormwater Pollution Prevention Plan (SWPPP). The SWPPP submitted by GMD Shipyard was received by EPA on December 16, 2014.

On March 12, 2008, GMD Shipyard Corp. submitted a Notice of Intent (NOI) to gain coverage under the NYSDEC SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) GP-0-06-002 and the NOI was received by the NYSDEC on March 14, 2008. The Facility subsequently gained coverage under Sector R: Ship and Boat Building or Repairing Yards of the MSGP, under SPDES ID No. NYR00D162. GP-0-06-002 became effective on March 28, 2007 and expired on March 27, 2012. The Facility automatically gained coverage under SPDES MSGP GP-0-11-009 which became effective on March 28, 2012 and expired on September 30, 2012. On December 21, 2012, GMD

Shipyard Corp. submitted a NOI to gain coverage under the NYSDEC SPDES MSGP GP-0-12-001 and the NOI was received by the NYSDEC on December 26, 2012. The current MSGP, GP-0-12-001, became effective on October 1, 2012 and expires on September 30, 2017. On April 24, 2015, in response to EPA's CWA-02-2014-3050 Order, GMD Shipyard Corp. submitted an application to the NYSDEC to obtain coverage under an individual SPDES permit. At the time of this CEI, the Facility did not have coverage under any additional SPDES permits.

The Facility conducts dry dock and wet berth ship repairing services including sand and grit blasting, hydroblasting, surface coating, metal fabrication, fuel oil storage and waste material operations and operates under Standard Industrial Classification (SIC) Code 3731, Ship Building and Repairing. For more information including a detailed description of the Facility and its operations, the Stormwater Pollution Prevention Plan (SWPPP), dry dock dimensions, drainage systems and outfalls see EPA's May 14, 2014 CEI Report.

FINDINGS AND OBSERVATIONS:

Drainage Systems

Stormwater discharges from the Facility drain to the East River (Wallabout Bay) located north of the Facility via four (4) stormwater outfall pipes (Outfalls 001, 004, 006 and 009). At the time of the inspection, EPA inspector McEathron observed a newly paved portion of Berth 8A where new stormwater infrastructure has been installed (see photographs DSCN6677.JPG – DSCN6678.JPG). According to the Facility representative, this area was constructed by the Brooklyn Navy Yard property owner and the catch basin is not yet completed.

At the time of the inspection, EPA inspector McEathron observed at least three (3) stormwater drainage structures on Berth 9 covered with fabric covering the drain (see photographs DSCN6635.JPG – DSCN6636.JPG and DSCN6648.JPG). According to the Facility representative, the storm drains were covered with the fabric after they had been cleaned out. At the time of the inspection, EPA inspector McEathron observed a catch basin filled with debris on Berth 9 (see photograph DSCN6646.JPG). According to the Facility representative, portions of the stormwater drainage system on Site have not been completely cleaned out because the debris in the structures is too hard to break through and additional tools are necessary.

According to the Facility site map and the Facility representative, there are at least two (2) additional catch basins located underneath the pooling water and a layer of spent grit on Berth 8 where the spent grit pile was previously located (see photographs DSCN6684.JPG – DSCN6686.JPG). At the time of the inspection, EPA inspector McEathron observed a grated manhole lid at this location (see photograph DSCN6691.JPG). At the time of the inspection, the Facility representative was unsure where the manhole lid came from and was unsure of the location of the catch basins in this area.

At the time of the inspection, EPA inspector McEathron observed water entering Dry Docks 5 and 6 from the East River through leaks in the respective caisson gates, groundwater infiltration and leaks from the pumping room and potable water sources (see photographs DSCN6652.JPG and DSCN6675.JPG).

At the time of the inspection, EPA inspector McEathron observed discharges from Stripping/Sump Pumps at Outfall 005 to the East River (see photographs DSCN6671.JPG – DSCN6673.JPG).

At the time of the inspection, EPA inspector McEathron observed spent grit, debris and waste in the north and south drainage channels and along the floor of Dry Dock 5 (see photographs DSCN6651.JPG –

DSCN6657.JPG and DSCN6660.JPG – DSCN6664.JPG) and Dry Dock 6 (see photographs DSCN6694.JPG – DSCN6697.JPG and DSCN6699.JPG – DSCN6708.JPG).

Industrial Activity

At the time of the inspection, EPA inspector McEathron observed vessels being serviced in Dry Docks 5 and 6. According to the Facility representative, the vessel in Dry Dock 6 had just been blasted with grit earlier that morning.

At the time of the inspection, EPA inspector McEathron observed spent grit being stored at the following four (4) locations at the Facility:

1. A large pile of spent grit, soil, sediment, trash and other materials in the southeast end of Dry Dock 5 (see photographs DSCN6642.JPG and DSCN6657.JPG – DSCN6658.JPG). According to the Facility representative, this pile has been at this location for over fifteen (15) years. Therefore, the material has not been removed when the dry dock is flooded and the material is completely submerged with water. This pile appeared to be only slightly smaller than when EPA first observed the pile at the time of the May 14, 2014 CEI.
2. A small fresh pile in Dry Dock No. 5 adjacent to the old pile (see photographs DSCN6657.JPG – DSCN6658.JPG). According to the Facility representative, this pile is new and will be removed prior to flooding the dry dock.
3. A large pile of spent grit, soil, sediment, trash and other materials in the southeast end of Dry Dock 6 (see photographs DSCN6639.JPG – DSCN6641.JPG and DSCN6706.JPG – DSCN6711.JPG). According to the Facility representative, this pile has been at this location for over fifteen (15) years. Therefore, the material has not been removed when the dry dock is flooded and the material is completely submerged with water. EPA inspector McEathron was unable to identify any changes in shape or size of this pile since EPA's May 14, 2014 CEI.
4. At the time of the inspection, EPA inspector McEathron observed spent grit and other waste in a thin layer over a section of Berth 8 and accumulated in an uncovered small pile without barriers such as hay bales or large brick blocks (see photographs DSCN6684.JPG – DSCN6685.JPG). This pile appeared to be significantly smaller than when EPA first observed the pile at the time of the May 14, 2014 CEI. According to the Facility representative, the remaining material on Berth 8 consists of metal, garbage, wood mixed with the spent grit material and the Facility could not dispose of the remaining spent grit material until the spent grit was sorted from the remaining material.

According to the Facility representative, the Facility's plan is to completely remove the remaining spent grit and waste material on Berth 8, then completely remove the material from Dry Dock 5 and lastly, remove the material from Dry Dock 6. According to the Facility representative, spent grit and waste material is removed from the dry docks prior to flooding utilizing a crane to lift a container into the dry dock to then be loaded with a bobcat. However, at the time of the inspection EPA inspector McEathron did not observe any such containers, empty or full, and the Facility representative stated that there were none on-site. The Facility representative also stated that Dry Dock No. 6 would be flooded soon, potentially by Monday.

At the time of the inspection, EPA inspector McEathron observed a spill kit on-site on Berth 9 (see photograph DSCN6692.JPG). At the time of the inspection, EPA inspector McEathron observed used paint containers outside, exposed to stormwater and without containment at two (2) locations on Berth 9 uphill from catch basins (see photographs DSCN6665.JPG and DSCN6669.JPG).

POTENTIAL NON-COMPLIANCE ITEMS:

1. Part I.B.1.a.(2).(j) of the MSGP states that the owner or operator must eliminate non-stormwater discharges not authorized by a SPDES permit. On April 24, 2015, GMD Shipyard Corp. submitted a permit application to the NYSDEC to obtain coverage under an individual SPDES Permit. At the time of the CEI, the NYSDEC had not issued GMD Shipyard Corp. an individual SPDES Permit. Therefore, at the time of the inspection, non-stormwater discharges at the Facility that are not authorized by the MSGP or a SPDES permit at the Facility include:
 - a. At the time of the inspection, EPA inspector McEathron observed discharges at Dry Dock 5 from stripping/sump pump Outfall 005 to the East River. At the time of the inspection, Dry Dock 5 contained a vessel being serviced, the drainage channels were filled with spent grit and waste and remnants of the spent grit pile at the east end of the dry dock which was first observed during EPA's May 14, 2014 CEI as well as a new spent grit pile observed for the first time by EPA at the time of this inspection; and
 - b. Main Pumps at Dry Docks 1, 5 and 6 discharge to the East River via Outfalls 001 and 007. The Main Pump discharges contain East River water that has come into contact with large piles of grit, soil and waste on Dry Docks 5 and 6 as well as any additional raw and waste materials not removed from the dry docks prior to flooding.
2. Part III.A of the MSGP requires permittees to implement a SWPPP. The Facility failed to implement the SWPPP as required by Part III.A of the MSGP in the following ways:
 - a. Part III.C.7.g of the MSGP states that all SWPPPs developed under the MSGP shall ensure that waste, garbage and floatable debris are not discharged to receiving waters. Section 4.1.1 of the Facility's SWPPP states that the Facility is to regularly pickup and dispose of garbage and waste materials and Section 4.1.2 of the Facility's SWPPP states that paints will be stored on containment systems, secondary containment to prevent accidental leaks and spills. In addition, Section 3.3.2 of the Facility's SWPPP states that when spent abrasives are not immediately removed for disposal they are stockpiled in a designated waste grit area in the main shipyard, blocked in using large brick blocks, surrounded with hay bales and covered with tarps awaiting transit. At the time of the inspection, EPA inspector McEathron observed the following garbage and waste materials at the Facility exposed to stormwater and uphill from stormwater catch basins:
 - i. Used paint containers outside, exposed to stormwater and without containment at two (2) locations on Berth 9 uphill from catch basins (see photographs DSCN6665.JPG and DSCN6669.JPG); and
 - ii. Spent grit and other waste in a thin layer over a section of Berth 8 and accumulated in an uncovered small pile without barriers such as hay bales or large brick blocks (see photographs DSCN6684.JPG – DSCN6685.JPG).
 - b. Part VIII.R of the MSGP states that the SWPPP must include a schedule for regularly cleaning storm systems to remove deposits of abrasive blasting debris and paint chips. Section 4.1.1 of the Facility's SWPPP states that the Facility is to maintain dry and clean floors, ground surfaces, dry dock floors, and storm drains by using brooms, shovels, vacuum cleaners, and cleaning machines prior to and after ship docking. According to the Facility representative, portions of the stormwater drainage system on Site have not been completely cleaned out because the debris in the structures is too hard to break through and additional tools are necessary. At the time of the inspection, EPA inspector McEathron observed components of the storm system that were filled with debris as detailed below:
 - i. Catch basin filled with debris located on Berth 9 (see photograph DSCN6646.JPG); and
 - ii. At least two (2) additional catch basins located underneath the pooling water and a layer of spent grit on Berth 8 where the spent grit pile was previously located (see photographs DSCN6684.JPG – DSCN6686.JPG).

- c. Part VIII.R of the MSGP states that the SWPPP must describe procedures for cleaning the accessible areas of the dry dock prior to flooding. Section 3.2.2 of the SWPPP states that prior to flooding, the dry docks are inspected and cleaned to prevent contact of tidal water with potential pollutants; Section 4.2.4 of the Facility's SWPPP states that prior to flooding the graving docks, the graving docks are to be cleaned of all materials; and Section 4.3.1 of the Facility's SWPPP states that spent abrasive materials are collected and removed from graving docks, prior to flooding. According to the Facility representative and observations at the time of the inspection, the following materials have not been removed from the dry dock prior to flooding:
- i. A large pile of spent grit, soil, sediment, trash and other materials in the southeast end of Dry Dock 5 (see photographs DSCN6642.JPG and DSCN6657.JPG – DSCN6658.JPG). According to the Facility representative, this pile has been at this location for over fifteen (15) years. Therefore, the material has not been removed when the dry dock is flooded and the material is completely submerged with water. This pile appeared to be only slightly smaller than when EPA first observed the pile at the time of the May 14, 2014 CEI;
 - ii. A large pile of spent grit, soil, sediment, trash and other materials in the southeast end of Dry Dock 6 (see photographs DSCN6639.JPG – DSCN6641.JPG and DSCN6706.JPG – DSCN6711.JPG). According to the Facility representative, this pile has been at this location for over fifteen (15) years. Therefore, the material has not been removed when the dry dock is flooded and the material is completely submerged with water. EPA inspector McEathron was unable to identify any changes in shape or size of this pile since EPA's May 14, 2014 CEI; and
 - iii. At the time of the inspection, EPA inspector McEathron observed spent grit, debris and waste in the north and south drainage channels and along the floor of Dry Dock 5 (see photographs DSCN6651.JPG – DSCN6657.JPG and DSCN6660.JPG – DSCN6664.JPG) and Dry Dock 6 (see photographs DSCN6694.JPG – DSCN6697.JPG and DSCN6699.JPG – DSCN6708.JPG).

AREAS OF CONCERN:

1. At the time of the inspection, EPA inspector McEathron observed a catch basin on Berth 8 with a broken frame where the catch basin lid was almost entirely unsupported on one side (see photographs DSCN6681.JPG – DSCN6683.JPG);
2. At the time of the inspection, EPA inspector McEathron observed a grated manhole lid at this location (see photograph DSCN6691.JPG). At the time of the inspection, the Facility representative was unsure where the manhole lid came from and was unsure of the location of the catch basins in this area;
3. At the time of the inspection, EPA inspector McEathron observed corroded metal frames that were removed and exposed a hole in the floor of Dry Dock No. 6 (see photographs DSCN6696.JPG – DSCN6697.JPG and DSCN6699.JPG); and
4. At the time of the inspection, EPA inspector McEathron observed at least three (3) catch basins where the fabric was out of place or removed at the time of the inspection (see photographs DSCN6637.JPG – DSCN6638.JPG, DSCN6644.JPG and DSCN6684.JPG – DSCN6687.JPG).

ATTACHMENTS:

Photograph Log

Photographs

Administrative Compliance Order CWA-02-2014-3050 issued July 24, 2014 with CEI Report Enclosed

PHOTOGRAPH LOG:

Photograph Log – GMD Shipyard Corp. CEI Unedited Photographs Taken February 26, 2016 by Kimberly McEathron with Nikon Coolpix AW100

Dry Dock No. 6 and Berth 9

DSCN6635.JPG	2 storm drains covered with fabric
DSCN6636.JPG	Close up of 1 st storm drain from previous pic
DSCN6637.JPG	3 rd storm drain with fabric uncovered
DSCN6638.JPG	Close up of uncovered storm drain from previous pic, standing water inside
DSCN6639.JPG	Spent grit pile at east end of dry dock No. 6
DSCN6640.JPG	Spent grit pile at east end of dry dock No. 6
DSCN6641.JPG	Spent grit pile at east end of dry dock No. 6

Dry Dock No. 5 and Berth 9

DSCN6642.JPG	Spent grit piles at east end of dry dock No. 5
DSCN6643.JPG	South of dry dock No. 5 where the old spent grit pile used to be
DSCN6644.JPG	2 storm drains, one with the cover removed
DSCN6645.JPG	Electrical manhole with grated lid
DSCN6646.JPG	Catch basin filled with debris
DSCN6647.JPG	Close up of catch basin filled with debris
DSCN6648.JPG	Catch basin covered with fabric
DSCN6649.JPG	Inside another drain uncovered with standing water and sheen
DSCN6650.JPG	Dry dock No. 5 facing west
DSCN6651.JPG	Drainage channel filled with debris
DSCN6652.JPG	Drainage channel filled with debris, groundwater infiltration
DSCN6653.JPG	Drainage channel filled with debris
DSCN6654.JPG	Drainage channel filled with debris
DSCN6655.JPG	Drainage channel filled with debris
DSCN6656.JPG	Coast guard vessel
DSCN6657.JPG	Spent grit pile at east end of dry dock No. 5
DSCN6658.JPG	Spent grit pile at east end of dry dock No. 5
DSCN6659.JPG	Spent grit pile at east end of dry dock No. 5
DSCN6660.JPG	Drainage on south side of dry dock No. 5 with pooling water
DSCN6661.JPG	Drainage on south side of dry dock No. 5 with pooling water
DSCN6662.JPG	Close up of grit layer on floor of dry dock
DSCN6663.JPG	Drainage on south side of dry dock No. 5 with pooling water
DSCN6664.JPG	1 new small pump and 2 large submersible pumps on north side of dry dock No. 5
DSCN6665.JPG	Paint cans outside adjacent to storm drains on Berth 9
DSCN6666.JPG	Close up of catch basin from previous picture
DSCN6667.JPG	Close up of second catch basin
DSCN6668.JPG	Close up of second catch basin
DSCN6669.JPG	Additional paint cans exposed to stormwater
DSCN6670.JPG	Additional paint cans in shed
DSCN6671.JPG	Water discharging from outfall 005 stripping pump
DSCN6672.JPG	Video of water discharging from outfall 005 stripping pump (not included)
DSCN6673.JPG	Water discharging from outfall 005 stripping pump
DSCN6674.JPG	Outfall 006 outfall sign
DSCN6675.JPG	Along caisson door, water flowing in from across the dry dock from apparent leak
DSCN6676.JPG	1 new small pump and 2 large submersible pumps on north side of dry dock No. 5

Berth 8A	
DSCN6677.JPG	Newly constructed and paved Berth 8A
DSCN6678.JPG	Upstream manhole
DSCN6679.JPG	Catch basin
DSCN6680.JPG	Close up of catch basin
DSCN6681.JPG	Catch basin with broken frame
DSCN6682.JPG	Close up of catch basin with broken frame
DSCN6683.JPG	Catch basin with broken frame
DSCN6684.JPG	Uncovered catch basin with standing water adjacent to spent grit pile remnants
DSCN6685.JPG	Uncovered catch basin with standing water adjacent to spent grit pile remnants
DSCN6686.JPG	Uncovered catch basin with standing water adjacent to spent grit pile remnants
DSCN6687.JPG	Another catch basin close up
DSCN6688.JPG	Uncovered catch basin with standing water adjacent to spent grit pile remnants
DSCN6689.JPG	Uncovered catch basin with standing water adjacent to spent grit pile remnants
DSCN6690.JPG	Catch basin close up
DSCN6691.JPG	Manhole lid cover
Berth 9	
DSCN6692.JPG	Spill kit
DSCN6693.JPG	Berth 9
Dry Dock No. 6	
DSCN6694.JPG	Close up of spent grit layer on floor of dry dock No. 6
DSCN6695.JPG	Drainage along south side with spent grit along drainage and broken metal grates
DSCN6696.JPG	Drainage along south side with spent grit along drainage and broken metal grates
DSCN6697.JPG	Drainage along south side with spent grit along drainage and broken metal grates
DSCN6698.JPG	Curtain
DSCN6699.JPG	Drainage along south side with spent grit along drainage and broken metal grates
DSCN6700.JPG	Drainage along south side with spent grit along drainage and broken metal grates
DSCN6701.JPG	Drainage along south side with spent grit along drainage and broken metal grates
DSCN6702.JPG	Drainage along south side with spent grit along drainage and broken metal grates
DSCN6703.JPG	Drainage along south side with spent grit along drainage and broken metal grates
DSCN6704.JPG	Drainage along north side filled with debris
DSCN6705.JPG	Drainage along north side filled with debris
DSCN6706.JPG	Spent grit pile and thick layer of grit at east end of dry dock No. 6
DSCN6707.JPG	Spent grit pile and thick layer of grit at east end of dry dock No. 6
DSCN6708.JPG	Spent grit pile and thick layer of grit at east end of dry dock No. 6
DSCN6709.JPG	Spent grit pile and thick layer of grit at east end of dry dock No. 6
DSCN6710.JPG	Spent grit pile and thick layer of grit at east end of dry dock No. 6
DSCN6711.JPG	Spent grit pile and thick layer of grit at east end of dry dock No. 6



DSCN6635



DSCN6636



DSCN6637



DSCN6638



DSCN6639



DSCN6640



DSCN6641



DSCN6642

GMD Shipyard Corp. CEI Conducted on February 26, 2016



DSCN6643



DSCN6644



DSCN6645



DSCN6646



DSCN6647



DSCN6648



DSCN6649



DSCN6650

GMD Shipyard Corp. CEI Conducted on February 26, 2016



DSCN6651



DSCN6652



DSCN6653



DSCN6654



DSCN6655



DSCN6656



DSCN6657



DSCN6658



DSCN6659



DSCN6660



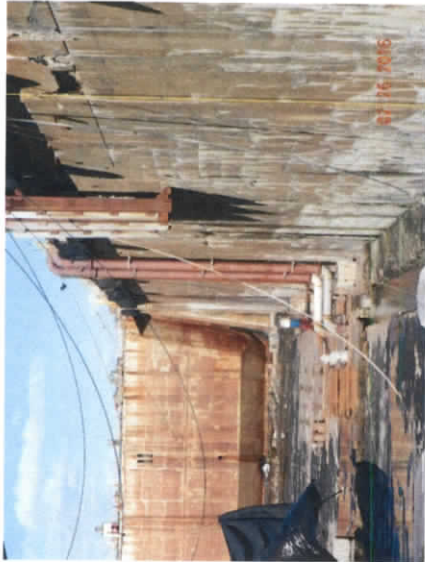
DSCN6661



DSCN6662



DSCN6663



DSCN6664



DSCN6665



DSCN6666



DSCN6667



DSCN6668



DSCN6669



DSCN6670



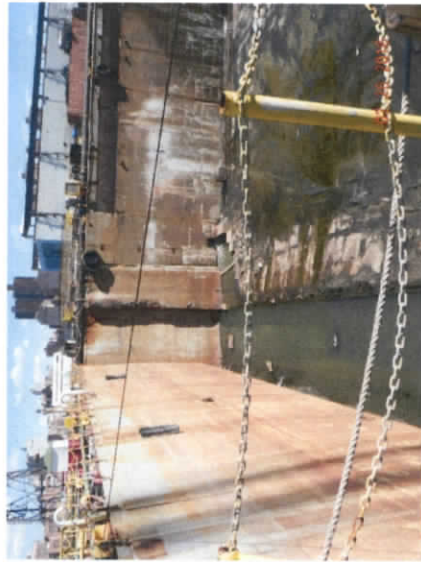
DSCN66671



DSCN66673



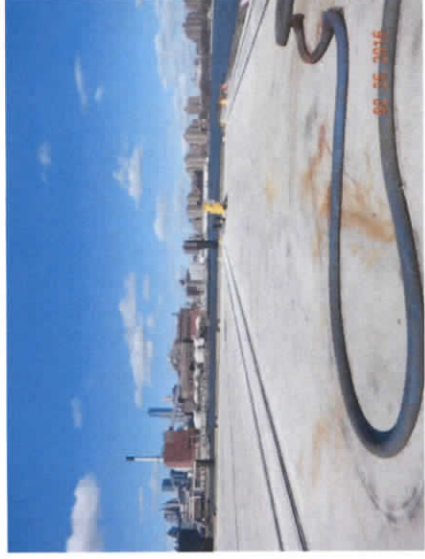
DSCN66674



DSCN66675



DSCN6676



DSCN6677



DSCN6678



DSCN6679



DSCN6680



DSCN6681



DSCN6682



DSCN6683



DSCN6684



DSCN6685



DSCN6686



DSCN6687



DSCN6688



DSCN6689



DSCN6690



DSCN6691



DSCN6692



DSCN6693



DSCN6694



DSCN6695



DSCN6696



DSCN6697



DSCN6698



DSCN6699



DSCN6700



DSCN6701



DSCN6702



DSCN6703



DSCN6704



DSCN6705



DSCN6706



DSCN6707



DSCN6708



DSCN6709



DSCN6710



DSCN6711



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

JUL 24 2014

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Article Number: 7005 3110 0000 5966 0171

Mr. Michael Cranston, President
GMD Shipyard Corp., BLDG. 595
63 Flushing Avenue, Unit #278
Brooklyn, New York 11205

Re: **Administrative Docket No. CWA-02-2014-3050**
GMD Shipyard Corp., SPDES Tracking No. NYR00D162
Clean Water Act Administrative Compliance Order

Dear Mr. Cranston:

The United States Environmental Protection Agency ("EPA"), Region 2, has made a finding that the GMD Shipyard Corp. facility located at the Brooklyn Navy Yard, 63 Flushing Avenue in Brooklyn, New York is in violation of the Clean Water Act (33 U.S.C. § 1251 et seq) ("CWA" or "the Act") for violating provisions of the New York State Department of Environmental Conservation ("NYSDEC") State Pollutant Discharge Elimination System ("SPDES") Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity ("MSGP") and for unpermitted discharges of process wastewater to the East River.

Enclosed are two (2) originals of the Order CWA-02-2014-3050 issued pursuant to Section 309 of the Act, which details the findings. Please acknowledge receipt of the Order on one of the originals and return it by mail in the enclosed envelope. Failure to comply with the enclosed Order may subject GMD Shipyard Corp. to civil or criminal penalties pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. Failure to comply with this Order shall also subject the facility to ineligibility for participation in work associated with Federal contracts, grants or loans.

Also enclosed is the Compliance Evaluation Inspection ("CEI") report based on EPA's CEI conducted at the Facility on May 14, 2014. For further information on EPA's Stormwater Program such as Best Management Practices and Stormwater Controls see NYSDEC's web site at <http://www.dec.ny.gov/chemical/9009.html> and EPA's web site at http://www.epa.gov/npdes/pubs/sector_p_transportationfacilities.pdf.

If you have any questions regarding the enclosed Order, please contact Douglas McKenna, Chief, Water Compliance Branch, at (212) 637-4244.

Sincerely,

Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Enclosures

cc: Joe DiMura, NYSDEC w/enclosures
Robert Elburn, Regional Water Engineer, NYSDEC Region 2 w/enclosures
Internet Address (URL) • <http://www.epa.gov>

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

GMD Shipyard Corp.
63 Flushing Avenue Unit #278
Brooklyn, New York 11205

Proceeding pursuant to Section 309(a)(3) of
the Clean Water Act, 33 U.S.C. § 1319(a)(3)

RESPONDENT

**ADMINISTRATIVE
COMPLIANCE ORDER**

CWA-02-2014-3050

The following Administrative Compliance Order ("Order") is issued pursuant to Section 309(a)(3) of the Clean Water Act ("CWA" or "Act"), 33 U.S.C. § 1319(a)(3). This authority has been delegated by the Administrator of the United States Environmental Protection Agency ("EPA") to the Regional Administrator, EPA Region 2, and since further redelegated to the Director, Division of Enforcement and Compliance Assistance, Region 2, EPA.

A. LEGAL AUTHORITY

1. Section 301(a) of the CWA, 33 U.S.C. § 1311 (a), makes it unlawful for any person to discharge any pollutant from a point source to waters of the United States, except, among other things, with the authorization of, and in compliance with, a National Pollutant Discharge Elimination System ("NPDES") permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.
2. Section 402 of the CWA, 33 U.S.C. § 1342, authorizes the Administrator of EPA to issue a NPDES permit for the discharge of any pollutant, or combination of pollutants subject to certain requirements of the CWA and conditions which the Administrator determines are necessary. The New York State Department of Environmental Conservation ("NYSDEC") is the agency with the authority to administer the federal NPDES program in New York pursuant to Section 402(b) of the CWA, 33 U.S.C. § 1342(b). Under this authority, a State Pollutant Discharge Elimination System ("SPDES") permit is required to be issued to facilities by the NYSDEC for the discharge of pollutants from a point source to a navigable water of the United States. EPA maintains concurrent enforcement authority with authorized states for violations of the CWA.
3. "Person" is defined by Section 502(5) of the CWA, 33 U.S.C. § 1362(5), to include an individual, corporation, partnership, association or municipality.
4. "Discharge of a pollutant" is defined by Section 502(12) of the CWA, 33 U.S.C. § 1362(12), to include any addition of any pollutant to navigable waters from any point source.

5. "Pollutant" is defined by Section 502(6) of the CWA, 33 U.S.C. § 1362(6), to include among other things, solid waste, dredged spoil, rock, sand, cellar dirt, sewage, sewage sludge and industrial, municipal and agricultural waste discharged to water.
6. "Point source" is defined by Section 502(14) of the CWA, 33 U.S.C. § 1362(14), to include any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.
7. "Navigable waters" is defined by Section 502(7) of the CWA, 33 U.S.C. § 1362(7), to include the waters of the United States.
8. Section 309(a) of the CWA, 33 U.S.C. § 1319(a) authorizes the Administrator to issue an order requiring compliance or commence a civil action when any person is found to be in violation of Section 301 of the CWA, 33 U.S.C. § 1311, or in violation of any permit condition or limitation in a permit issued under Section 402 of the CWA, 33 U.S.C. § 1342.
9. Section 402(p) of the CWA, 33 U.S.C. § 1342(p), sets forth the requirements for municipal and industrial stormwater discharges.
10. The Administrator of EPA has promulgated regulations, 40 C.F.R. § 122.26(a)(1)(ii) and § 122.26(b)(14), which require operators to obtain a NPDES permit for stormwater discharges associated with industrial activity. The regulations at 40 C.F.R. § 122.26(b)(14) establish requirements for stormwater discharges associated with industrial activity.
11. The terms "Industrial Stormwater Permit," "Multi-Sector General Permit" or "MSGP" mean the NYSDEC SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity, as defined by the present general permit number, GP-0-12-001. The current MSGP, GP-0-12-001, became effective on October 1, 2012 and will expire on September 30, 2017. GP-0-12-001 replaced the former MSGP, GP-0-11-009, which expired on September 30, 2012. GP-0-12-001 and GP-0-11-009 were preceded by GP-0-06-002, which became effective on March 28, 2007 and expired on September 30, 2012. GP-0-06-002 was preceded by GP-98-03, which became effective on November 1, 1998, expired on November 1, 2003, and was administratively extended by NYSDEC until the issuance of GP-0-06-002.
12. Part I.E.3 of the MSGP states that a discharger of stormwater associated with industrial activity may be authorized under the MSGP only if the owner or operator has submitted a complete Notice of Intent ("NOI") form to the NYSDEC. Furthermore, authorization to discharge stormwater under the terms and conditions of the Permit is granted 30 calendar days after the date that the NOI is received (Part I.E.3.a).
13. Part I.B.1.a.(2).(j) of the MSGP states that the owner or operator must eliminate non-stormwater discharges not authorized by a SPDES permit.
14. Part III.A of the MSGP states that a Stormwater Pollution Prevention Plan ("SWPPP") shall be developed and implemented by the owner or operator for each facility covered by the MSGP.

- a. Part III.C.7.e of the MSGP states that the SWPPP must describe the stormwater training program, training shall be conducted at least annually and an annual signed and dated employee training log must be kept in the SWPPP.
 - b. Part III.C.7.g of the MSGP states that all SWPPPs developed under the MSGP shall ensure that waste, garbage and floatable debris are not discharged to receiving waters.
15. Part III.B.1 of the MSGP states that the SWPPP shall be prepared and provide for compliance with the terms of this permit on or before the date of submission of an NOI to be covered under this permit.
16. Part III.C.6 of the MSGP requires all SWPPPs developed under the MSGP shall include, at a minimum, a site map identifying the approximate outline of drainage area to each outfall, direction of stormwater flow using arrows to show which ways stormwater will flow, the location of all stormwater conveyances including ditches, pipes, and swales, locations where storage of wastes is exposed to precipitation, and locations of potential pollutant sources.
17. Part III.D.2.a of the MSGP requires that the permittee keep a copy of the SWPPP on-site or locally available to the Department for review at the time of an on-site inspection.
18. Part III.E.1 of the MSGP states that the owner or operator shall amend the SWPPP whenever there is a change in design, construction, operation, or maintenance at the facility which may have an effect on the potential for the discharge of pollutants from the facility which has not otherwise been addressed in the SWPPP.
19. Part IV.B.1.a.(2) of the MSGP states that all Quarterly Visual Monitoring samples must be collected from discharges resulting from a qualifying storm event, in accordance with Part IV.B.2.b.(1). Part IV.B.2.b.(1) of the MSGP states that a minimum of one grab sample must be taken from the stormwater discharge associated with industrial activity resulting from a storm event with at least 0.1 inch of precipitation and must be taken within the first 30 minutes of the discharge.
20. Part IV.B.1.a.(4) of the MSGP states that the Quarterly Visual Monitoring examination must document observations of color, odor, clarity, floating solids, suspended solids, foam, oil sheen, and any other obvious indicators of stormwater pollution.
21. Part IV.B.1.a.(7) of the MSGP states that all documentation of the Quarterly Visual Monitoring must be signed and certified in accordance with Part V.H.
22. Part IV.B.1.b.(1) of the MSGP states that the owner or operator must perform and document at least one dry weather flow inspection each year after at least three (3) consecutive days of no precipitation.
23. Part IV.B.1.b.(2) of the MSGP states that dry weather inspection shall be documented in an inspection report which must include the outfall locations, the inspection date and time, inspection personnel, description of discharges identified, the source of any discharges and actions taken to address any newly identified allowable non-stormwater discharges or elimination of non-authorized discharges.

24. Parts IV.E.1 and IV.E.2.a of the MSGP states that the owner or operator shall retain records required by the MSGP for a period of at least five (5) years.
25. Part VIII.R of the MSGP sets forth additional requirements for Ship and Boat Building or Repair Yards:
- a. Part VIII.R of the MSGP states that the discharge of waste water from pressure washing to remove marine growth from vessels must be permitted by a separate SPDES permit.
 - b. Part VIII.R of the MSGP states that the SWPPP must include a schedule for regularly cleaning storm systems to remove deposits of abrasive blasting debris and paint chips.
 - c. Part VIII.R of the MSGP states that the SWPPP must describe procedures for cleaning the accessible areas of the dry dock prior to flooding.
 - d. Part VIII.R of the MSGP states that the SWPPP must describe procedures for the cleanup of oil, grease, or fuel spills occurring on the dry dock.
 - e. Part VIII.R of the MSGP states that facilities that pressure wash vessels must include the following information in the SWPPP: measures to collect or contain the discharge from the pressure washing area, method for removal of the visible solids, methods of disposal of the collected solids, and location where the discharge will be released.
 - f. Part VIII.R of the MSGP states that the SWPPP must describe procedures for routine maintenance and cleaning of the dry dock to minimize the potential for pollutants in the stormwater runoff.
 - g. Part VIII.R of the MSGP requires permittees to conduct regularly scheduled Comprehensive Site Compliance Evaluations at least once a year and address those areas contributing to a stormwater discharge associated with industrial activity.
26. Pursuant to 40 C.F.R. § 122.41(a), permittees must comply with all conditions of their permit, and any permit noncompliance constitutes a violation of the CWA and is grounds for enforcement action.
27. Section 309(a) of the CWA, 33 U.S.C. § 1319(a), authorizes EPA to commence an administrative enforcement action for violations of “any condition or limitation which implements [among others, sections 301 or 402]” of the CWA, and to “issue an order requiring [compliance with the applicable] section or requirement . . .”

B. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. GMD Shipyard Corp. (“Respondent”) is a “person” pursuant to Section 502(5) of the CWA, 33 U.S.C. § 1362(5).
2. Respondent operates the GMD Shipyard Corp. dry dock facility located in the Brooklyn Navy Yard at 63 Flushing Avenue, Unit #278 in Brooklyn, New York (the “Site” or “Facility”), and is an owner or operator within the meaning of 40 C.F.R. § 122.2.
3. On May 14, 2014, EPA conducted a Compliance Evaluation Inspection (“CEI”) at the Facility.
4. Based on the type of industrial activity observed at the Site during the CEI, the Facility operates under Standard Industrial Classification (“SIC”) Code 3731 (Ship Building and Repairing).

5. Based on EPA findings, observations during the CEI and the Facility's NOI, the Facility discharges stormwater associated with industrial activity to the East River via four (4) stormwater outfall pipes (Outfalls 001, 004, 006 and 009).
6. The East River is a navigable water of the United States pursuant to Section 502(7) of the Act, 33 U.S.C. § 1362(7).
7. Respondent discharges stormwater associated with industrial activity, a "pollutant" within the meaning of Section 502(6) of the CWA, 33 U.S.C. § 1362(6), via the above mentioned pipes, "point sources" within the meaning of Section 502(14) of the CWA, 33 U.S.C. § 1362(14), to a navigable water of the United States, and as such, discharges pollutants pursuant to Section 502(12) of the CWA, 33 U.S.C. § 1362(12).
8. On March 12, 2008, GMD Shipyard Corp. submitted a NOI to gain coverage under the MSGP GP-0-06-002 and the NOI was received by the NYSDEC on March 14, 2008. The Facility subsequently gained coverage under Sector R: Ship and Boat Building or Repairing Yards of the MSGP, under SPDES ID No. NYR00D162. On December 21, 2012, GMD Shipyard Corp. submitted a NOI to gain coverage under the NYSDEC SPDES MSGP GP-0-12-001 and the NOI was received by the NYSDEC on December 26, 2012. At the time of the inspection, the Facility did not have coverage under any additional SPDES permits.
9. Based on the CEI findings, the EPA finds that the Respondent has failed to comply with the CWA and the conditions and limitations of the MSGP, including but not limited to the following:
 - a. Part I.B.1.a.(2).(j) of the MSGP states that the owner or operator must eliminate non-stormwater discharges not authorized by a SPDES permit. Non-stormwater discharges at the Facility that are not authorized by the MSGP or a SPDES permit at the Facility include the following, in violation of Part I.B.1.a.(2).(j) of the MSGP:
 - i. Sump Pump and Stripping Pump discharges
 1. At the time of the dry weather inspection, EPA observed discharges at Dry Docks 1, 5 and 6 from stripping/sump pump Outfalls 002, 005 and 008 to the East River. At the time of the inspection, Dry Docks 5 and 6 contained vessels being serviced, spent grit and waste.
 2. Part VIII.R of the MSGP states that the discharge of waste water from pressure washing to remove marine growth from vessels must be permitted by a separate SPDES permit. According to the Facility representative, hydroblasting is conducted at the Facility. When hydroblasting is conducted on a dry dock the resulting process wastewater is discharged to the East River via the sump pump and stripping pump outfalls.
 - ii. Main Pumps at Dry Docks 1, 5 and 6 discharge non-stormwater to the East River via Outfalls 001 and 007. The Main Pump discharges contain East River water that has come into contact with grit, soil and waste berms on Dry Docks 5 and 6 and a large spent grit and trash pile on Dry Dock 5 as well as any additional materials not removed from the dry docks prior to flooding.
 - b. EPA identified the following SWPPP elements that were not included in the Facility's developed SWPPP, in violation of Part III.A of the MSGP:

- i. The SWPPP did not describe procedures for routine maintenance and cleaning of the dry dock to minimize the potential for pollutants in the stormwater runoff as required by Part VIII.R of the MSGP.
 - ii. Part VIII.R of the MSGP states that facilities that pressure wash vessels must include the following information in the SWPPP: measures to collect or contain the discharge from the pressure washing area, method for removal of the visible solids, methods of disposal of the collected solids, and location where the discharge will be released. According to the Facility representative, hydroblasting is conducted at the Facility and the SWPPP does not contain any BMPs specific to hydroblasting.
- c. The Facility failed to implement the SWPPP, in violation of Part III.A of the MSGP in the following ways:
 - i. Part III.C.7.e of the MSGP states that the SWPPP must describe the stormwater training program, training shall be conducted at least annually and an annual signed and dated employee training log must be kept in the SWPPP. Section 6.0 of the Facility's SWPPP states that all new employees receive eight-hour facility specific training and four-hour refresher training sessions are held annually for all spill response personnel. According to the Facility representative, health and safety training which includes spill training is conducted for new hires and refresher meetings are held Wednesday mornings. At the time of the inspection, stormwater training records were not available and a training log was not located in the SWPPP.
 - ii. Part III.C.7.g of the MSGP states that all SWPPPs developed under the MSGP shall ensure that waste, garbage and floatable debris are not discharged to receiving waters. Section 4.1.1 of the Facility's SWPPP states that the Facility is to regularly pickup and dispose of garbage and waste materials. At the time of the inspection, EPA observed the following garbage and waste materials at the Facility exposed to stormwater and uphill from stormwater catch basins:
 - 1. Red garnet (used in mixing non-skid paint) spilled adjacent to a catch basin. The Facility representative, stated that the paint was mixed at this location;
 - 2. Eleven (11) used paint cans and trash in an uncovered dumpster on Berth 9;
 - 3. Grit spilled on the ground at the Vacuum blast equipment loading area on Berth 9;
 - 4. Grit spilled on the ground on Berth 9;
 - 5. Twenty (20) used paint cans on Berth 9;
 - 6. Large spent grit pile partially uncovered with adjacent spilled spent grit;
 - 7. Clam shell containing spent grit and trash on Berth 8;
 - 8. Blasting glass spilled on a catch basin on Berth 8; and
 - 9. An uncovered dumpster containing waste on Berth 8.
 - iii. Part VIII.R of the MSGP states that the SWPPP must include a schedule for regularly cleaning storm systems to remove deposits of abrasive blasting debris and paint chips. Section 4.1.1 of the Facility's SWPPP states that the Facility is to maintain dry and clean floors, ground surfaces, dry dock floors, and storm drains by using brooms, shovels, vacuum cleaners, and cleaning machines prior to and after ship docking. According to the Facility representative, the storm systems at the Facility have never been cleaned. At the time of the inspection, EPA observed components of the storm system that were filled with debris as detailed below:
 - 1. Catch basin #6 filled with sediment, located between Berths 8 and 9;

2. Catch basin #7 containing pooling water and spent grit downhill from the spent grit pile on Berth 8;
 3. Catch basin #8 containing pooling water and brown foam on Berth 8;
 4. Catch basin #9 filled with sediment, located on Berth 8;
 5. Catch basin #10 covered with blasting glass on Berth 8;
 6. Catch basin adjacent to Dry Dock 1 filled and covered with sediment; and
 7. According to the Facility Site Map located in the SWPPP, there are at least two (2) catch basins located underneath the spent grit pile on the south end of Berth #8. The Facility representative was unaware of any protection or coverings that have been installed on the catch basins.
- iv. Part VIII.R of the MSGP states that the SWPPP must describe procedures for cleaning the accessible areas of the dry dock prior to flooding. Section 4.3.1 of the Facility's SWPPP states that spent abrasive materials are collected and removed from graving docks, prior to flooding and Section 3.2.2 of the SWPPP states that prior to flooding, the dry docks are inspected and cleaned to prevent contact of tidal water with potential pollutants. According to the Facility representative and observations obtained by EPA at the time of the inspection, the following materials are not removed from the dry dock prior to flooding:
1. At the time of the inspection, EPA observed a pile of spent grit, soil, sediment, trash and other materials in Dry Dock 5 at the south end. The pile was approximately 150 feet wide, 30 feet tall and 20 feet deep. According to the Facility representative, the pile has been at this location for over fifteen (15) years, the material is not removed when the dry dock is flooded and the material is completely submerged with water when the dry dock is flooded.
 2. At the time of the inspection, EPA observed two (2) small piles of sediment and soil that contained trash, spent grit and other materials at the north ends of Dry Docks 5 and 6. According to the Facility representative, the piles are purposefully there to act as berms and divert water that enters the dry docks through leaks in the caisson gates into drainage channels along the sides of the dry docks. According to the Facility representative, the material is not removed when the dry dock is flooded.
- v. Part VIII.R of the MSGP states that the SWPPP must describe procedures for the cleanup of oil, grease, or fuel spills occurring on the dry dock. Section 5.0 of the SWPPP describes spill response procedures. At the time of the inspection, EPA observed the following petroleum product spill locations:
1. Stained ground adjacent to the hazardous waste storage area and exposed to stormwater;
 2. Pooling water containing oil sheens adjacent to the hazardous waste storage area and exposed to stormwater; and
 3. Pooling water containing an oil sheen adjacent to a stormwater catch basin on Berth 9.
- vi. Section 4.1.2 of the SWPPP states that the Facility is to store chemical (paints and thinners) and petroleum product containers on containment systems and Section 4.3.2 of the SWPPP states that portable spill pallets and containment areas shall be used to store and mix paints. Section 4.1.2 of the SWPPP states that where feasible, containment of raw or waste material(s) will be covered, to prevent stormwater contact and Section 4.3.4 of the SWPPP states that the Facility shall avoid contaminating storm water from outside material storage by using the following

measures: Storing material indoors; covering the area with a roof; covering the material with a temporary covering such as tarpaulins to prevent rain water accumulations; minimizing storm water runoff by enclosing areas or building a berm around the area. At the time of the inspection EPA observed the following chemicals, raw and waste materials stored outside, exposed to stormwater and not on a spill pallet and containment system:

1. Two (2) 55-gallon drums beyond the roof at the hazardous waste drum area;
 2. Twelve (12) 55-gallon drums southwest of hazardous waste drum area;
 3. Garnet red (used in mixing non-skid paint) spilled adjacent to a catch basin. The Facility representative, stated that the paint was mixed at this location;
 4. Eleven (11) used paint cans and trash in a dumpster on Berth 9;
 5. Six (6) 55-gallon hydraulic oil drums on Berth 9;
 6. Grit spilled on the ground at the Vacuum blast equipment loading area on Berth 9;
 7. Grit spilled on the ground on Berth 9;
 8. Twenty (20) used paint cans on Berth 9;
 9. Nineteen (19) paint cans with rust on Berth 9;
 10. Five (5) 55-gallon hydraulic oil drums on Berth 9;
 11. Two (2) 55-gallon gasoline drums adjacent to the mechanic shop;
 12. Large spent grit pile partially uncovered with adjacent spilled spent grit;
 13. Clam shell containing spent grit and trash on Berth 8; and
 14. Blasting glass spilled on a catch basin on Berth 8.
- vii. Section 4.2.3 of the SWPPP states the stormwater drainage system, shall be inspected on a monthly basis. Inspection records document the structural condition of storm drains, evidence of past or recent spills, clean-up activities conducted to remove silt and material residues. At the time of the inspection, stormwater drainage system inspections were not conducted and documented.
- d. At the time of the inspection, EPA identified the following site map elements required by Part III.C.6 of the MSGP that were not depicted on the Facility site map provided in the SWPPP, in violation of Part III.C.6 of the MSGP:
- i. Approximate outline of drainage area to each outfall;
 - ii. Direction of stormwater flow using arrows to show which ways stormwater will flow;
 - iii. Locations of the potential pollutant sources;
 - iv. Locations where storage of wastes is exposed to precipitation; and
 - v. Locations of the following stormwater conveyances:
 1. Catch basin #1 located southwest of the hazardous waste drum area;
 2. Three (3) drains adjacent to the sewage storage tank on Berth 9; and
 3. A catch basin adjacent to Dry Dock 1.
- e. The Facility's SWPPP, which has not been amended since June 2003, does not include changes in the operation of the Facility in violation of Part III.E.1 of the MSGP as follows:
- i. Damages sustained on October 29, 2012 due to the Hurricane Sandy storm surge and resulting changes in operations, including the utilization of two (2) sump pumps to replace damaged pumps;
 - ii. Changes to accommodate requirements of the most recent MSGP which became effective on October 1, 2012;

- iii. The Facility's Site Map located in the SWPPP depicts a total of eight (8) drains in the Garage, Machine Shop, Pipe Shop, Tool Shop and other various buildings at the Facility that are connected to the storm sewer system. However, these drains could not be located at the time of the inspection and according to the Facility representative there are no drains in the shop.
 - iv. The Facility's Site Map located in the SWPPP depicts a proposed aboveground diesel storage tank location and a proposed contained fabric structure indoor sandblasting that were not observed in the field at the Facility;
 - v. Section 3.2.2 of the SWPPP states that during dry dock operations at the Main Yard, stormwater collects in the dry dock storm drain system and is pump via the 8 inch force main to the combined sewer system where flow is conveyed to Newtown Creek WPCF. However, observations at the time of the inspection and the system depicted on the Facility Site Map in the SWPPP demonstrate that water that enters the dry dock is discharged to the East River via the pumping systems;
 - vi. Section 3.2.3 of the SWPPP states that catch basins along the west side of Dry Dock 1 have been plated and are no longer functional. However, according to the Facility representative and observations at the time of the inspection, the catch basins observed on-site were not plated and the Facility continues to conduct stormwater monitoring at Outfall 001;
 - vii. Section 4.2.5 of the SWPPP states that the Facility has an oil/water separator for pumping secondary containment areas. However, according to the Facility representative there are no oil/water separators at the Facility; and
 - viii. The Facility's Site Map located in the SWPPP depicts and describes stormwater catch basins and Outfall 003 and the Facility's 2012 NOI includes Outfall 003. However, according to the Facility representative, the area south and west of Dry Dock 3 at Berth 7 is not operated by GMD Shipyard Corp., the catch basins have been removed and the stormwater outfall (Outfall 003) has been closed. The Facility does not conduct monitoring at Outfall 003.
- f. Part IV.B.1.a.(2) of the MSGP states that all Quarterly Visual Monitoring samples must be collected from discharges resulting from a qualifying storm event, in accordance with Part IV.B.2.b.(1). Part IV.B.2.b.(1) of the MSGP states that a minimum of one grab sample must be taken from the stormwater discharge associated with industrial activity resulting from a storm event with at least 0.1 inch of precipitation and must be taken within the first 30 minutes of the discharge. According to Facility documentation, Quarterly Visual Monitoring was conducted on 12/14/2012, 3/12/2013, 4/15/2013, 9/13/2013, 12/6/2013 and 2/20/2014. The Facility failed to conduct Quarterly Visual Monitoring in violation of Part IV.B.1.a.(2) of the MSGP as follows:
- i. According to historical precipitation data from a weather station in New York City, the Brooklyn, NY area received 0.00 inches of precipitation on 12/14/2012 and 4/15/2013, 0.09 inches of precipitation on 9/13/2013 and 0.02 inches of precipitation on 2/20/2014. In addition, the Facility's Quarterly Visual Monitoring Form's document 0.03 inches of rain on 12/14/2012, 0.01 inches of rain on 3/12/2013, and 0.06 inches of rain on 9/13/2013; and
 - ii. According to Facility's Quarterly Visual Monitoring Forms, no grab samples were taken on all sample dates (12/14/2012, 3/12/2013, 4/15/2013, 9/13/2013, 12/6/2013 and 2/20/2014) as indicated by the "no sample" under the Parameter Characteristics column.

- g. All six (6) Quarterly Visual Monitoring Forms in the SWPPP on-site did not include documentation of observations of floating solids, in violation of Part IV.B.1.a.(4) of the MSGP.
- h. All six (6) Quarterly Visual Monitoring Forms in the SWPPP on-site did not include the certification statement provided in Part V.H of the MSGP, in violation of Part IV.B.1.a.(7) of the MSGP.
- i. Part IV.B.1.b.(1) of the MSGP states that the owner or operator must perform and document at least one dry weather flow inspection each year after at least three (3) consecutive days of no precipitation. According to Facility documentation, the Facility conducted Annual Dry Weather Flow Inspections on 5/10/2013 and 5/13/2014. According to historical precipitation data from a weather station in New York City, the Brooklyn, NY area received 1.54 inches of precipitation on 5/8/2013, 0.75 inches of precipitation on 5/9/2013, 0.79 inches of precipitation on 5/10/2014 and 0.02 inches of precipitation on 5/11/2014. Therefore, the Facility failed to perform dry weather flow inspections after at least three (3) consecutive days of no precipitation, in violation of Part IV.B.1.(1) of the MSGP.
- j. The two (2) Annual Dry Weather Flow Inspections were documented by the Facility in a table and not in a report format and the table did not include the inspection time or non-authorized discharges, in violation of Part IV.B.1.b.(2) of the MSGP.
- k. The following records required by the MSGP were not retained for a period of at least five (5) years, in violation of Parts IV.E.1 and IV.E.2.a of the MSGP:
 - i. Comprehensive Site Compliance Inspection and Evaluation required at least annually by Parts IV.A and VIII of the MSGP for 2009, 2010, 2011, 2012 and 2013;
 - ii. Quarterly Visual Monitoring as required by Part IV.B.1.a of the MSGP for three (3) quarters in 2009, four (4) quarters in 2010, four (4) quarters in 2011 and three (3) quarters in 2012;
 - iii. Annual Dry Weather Flow Monitoring as required by Part IV.B.1.b of the MSGP for 2009, 2010, 2011 and 2012;
 - iv. Annual Certification Report as required by Part IV.C.1 of the MSGP for 2009, 2010, 2011, and 2012;
 - v. Storm Event Data Forms as required by Part IV.B.2.c associated with Quarterly Visual Monitoring for three (3) quarters in 2009, four (4) quarters each year for 2010, 2011, 2012 and 2013 and one (1) quarter in 2014; and
 - vi. Part III.A of the MSGP states that a SWPPP shall be implemented by the owner or operator for each facility covered by the MSGP. Section 4.2.4 of the SWPPP states that the dry dock drainage system, shall be inspected on a weekly basis during dry dock activities. Dry Dock Drainage System inspection records were not available prior to January 2013.
- l. At the time of the inspection, the Facility had not conducted and documented any annual Comprehensive Site Compliance Evaluations addressing those areas contributing to a stormwater discharge associated with industrial activity, in violation of Part VIII.R of the MSGP.

10. Based upon Paragraphs 1-9 above, EPA finds that Respondent is in violation of Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342, and applicable implementing regulations.

C. ORDERED PROVISIONS

Based upon the foregoing and pursuant to the authority of Section 309(a)(3) of the Act, it is hereby ORDERED that:

1. Immediately upon receipt of the original copies of this Order, a responsible official of GMD Shipyard Corp. shall complete and sign the acknowledgment of receipt of one of the originals of the Order and return said original to the Chief, Water Compliance Branch, in the enclosed envelope to the address listed in paragraph D.1, below.
2. Respondent shall complete the following items in accordance with the schedule list below:

<u>Item</u>	<u>Completion Deadline</u>
<p>i. Eliminate unauthorized non-stormwater discharges, including but not limited to the discharges listed below, or submit a permit application to NYSDEC, with a copy to EPA, to obtain SPDES permit coverage for non-stormwater discharges to the East River from the Facility, as required by Part I.B.1.a.(2).(j) of the MSGP and the CWA:</p> <p>a. Sump Pump and Stripping Pump discharges</p> <ol style="list-style-type: none">1. At the time of the dry weather inspection, EPA observed discharges at Dry Docks 1, 5 and 6 from stripping/sump pump Outfalls 002, 005 and 008 to the East River. At the time of the inspection, Dry Docks 5 and 6 contained vessels being serviced, spent grit and waste.2. Part VIII.R of the MSGP states that the discharge of waste water from pressure washing to remove marine growth from vessels must be permitted by a separate SPDES permit. According to the Facility representative, hydroblasting is conducted at the Facility. When hydroblasting is conducted on a dry dock the resulting process wastewater is discharged to the East River via the sump pump and stripping pump outfalls. <p>b. Main Pumps at Dry Docks 1, 5 and 6 discharge non-stormwater to the East River via Outfalls 001 and 007. The Main Pump discharges contain East River water that has come into contact with grit, soil and waste berms on Dry Docks 5 and 6 and a large spent grit and trash pile on Dry Dock 5 as well as any additional materials not removed from the dry docks prior to flooding.</p>	<p>Begin immediately and complete no later than thirty (30) days of receipt of this Order</p>
<p>ii. Implement existing SWPPP practices at the following areas/operations at the Facility that contribute or potentially contribute pollutants to the East River, as required by Part III.A of the MSGP, including but not limited to eliminating each of the following sources of pollutants:</p> <p>a. Garbage and waste materials exposed to stormwater and uphill from stormwater catch basins shall be removed and disposed of properly, as required by Part</p>	<p>Begin immediately and complete no later than thirty (30) days of receipt of this Order</p>

III.C.7.g of the MSGP and Section 4.1.1 of the SWPPP, including but not limited to the following:

1. Eleven (11) used paint cans and trash in an uncovered dumpster on Berth 9;
2. Twenty (20) used paint cans on Berth 9;
3. Large spent grit pile partially uncovered with adjacent spilled spent grit;
4. Clam shell containing spent grit and trash on Berth 8;
5. Blasting glass spilled on a catch basin on Berth 8; and
6. An uncovered dumpster containing waste on Berth 8.

b. Storm system components shall be cleaned and the debris, spent grit, sediment and waste shall be removed and disposed of properly, as required by Part VII.R of the MSGP and Section 4.1.1 of the SWPPP, including but not limited to the following:

1. Catch basin #6 filled with sediment, located between Berths 8 and 9;
2. Catch basin #7 containing pooling water and spent grit downhill from the spent grit pile on Berth 8;
3. Catch basin #8 containing pooling water and brown foam on Berth 8;
4. Catch basin #9 filled with sediment, located on Berth 8;
5. Catch basin #10 covered with blasting glass on Berth 8;
6. Catch basin adjacent to Dry Dock 1 filled and covered with sediment; and
7. According to the Facility Site Map located in the SWPPP, there are at least two (2) catch basins located underneath the spent grit pile on the south end of Berth #8. The Facility representative was unaware of any protection or coverings that have been installed on the catch basins.

c. The dry docks shall be completely cleaned prior to flooding as required by Part VIII.R of the MSGP and Section 4.3.1 of the SWPPP, including but not limited to the following:

1. Pile of spent grit, soil, sediment, trash and other materials in Dry Dock 5 at the south end; and
2. Two (2) small piles of sediment and soil that contained trash, spent grit and other materials at the north ends of Dry Docks 5 and 6.

d. Spills at the Facility shall be cleaned up and disposed of properly, as required by Part VIII.R of the MSGP and Section 5.0 of the SWPPP, including but not limited to the following spill locations observed by EPA:

1. Stained ground adjacent to the hazardous waste storage area and exposed to stormwater;
2. Pooling water containing oil sheens adjacent to the hazardous waste storage area and exposed to stormwater; and
3. Pooling water containing an oil sheen adjacent to a stormwater catch basin on Berth 9.

e. Chemicals (paints and thinners) and petroleum product containers shall be stored and mixed on portable spill pallets and containment areas and raw or waste materials(s) shall be covered, as required by Part III.A of the MSGP and Sections 4.12 and 4.3.4 of the SWPPP, including but not limited to the following:

<ol style="list-style-type: none"> 1. Two (2) 55-gallon drums beyond the roof at the hazardous waste drum area; 2. Twelve (12) 55-gallon drums southwest of hazardous waste drum area; 3. Eleven (11) used paint cans and trash in a dumpster on Berth 9; 4. Six (6) 55-gallon hydraulic oil drums on Berth 9; 5. Twenty (20) used paint cans on Berth 9; 6. Nineteen (19) paint cans with rust on Berth 9; 7. Five (5) 55-gallon hydraulic oil drums on Berth 9; 8. Two (2) 55-gallon gasoline drums adjacent to the mechanic shop; 9. Large spent grit pile partially uncovered with adjacent spilled spent grit; 10. Clam shell containing spent grit and trash on Berth 8; and 11. Blasting glass spilled on a catch basin on Berth 8. 	
<p>iii. Submit to EPA a written report summarizing the measures taken to eliminate each of the pollutant sources listed in item ii above within the thirty (30) day deadline. Such report shall include photographs documenting completion and costs, including labor, associated with each.</p>	<p>Within forty-five (45) days of receipt of this Order</p>
<p>iv. Implement annual stormwater training program and submit to EPA completed signed and dated employee training logs, as required by Parts III.A and III.C.7.e of the MSGP and Section 6.0 of the SWPPP.</p>	<p>Within forty-five (45) days of receipt of this Order</p>
<p>v. The Facility shall develop and implement a comprehensive stormwater drainage system maintenance plan as required by Part VIII.R of the MSGP and Section 4.2.3 of the SWPPP, that includes, at a minimum, the following:</p> <ol style="list-style-type: none"> a. Stormwater drainage system inspections on a monthly basis and b. Stormwater drainage system inspection records shall document structural condition of storm drains, evidence of past or recent spills, clean-up activities conducted to remove silt and material residues; and c. A schedule for routine stormwater drainage system cleaning. 	<p>Within sixty (60) days of receipt of this Order</p>
<p>vi. Submit to EPA for review and approval a revised SWPPP, including revised Site Maps to incorporate the following elements, as required by Part III.A. of the MSGP:</p> <ol style="list-style-type: none"> a. Procedures for routine maintenance and cleaning of the dry dock to minimize the potential for pollutants in the stormwater runoff, as required by Part VII.R of the MSGP; b. Measures to collect or contain the discharge from pressure washing area, method for removal or the visible solids, methods of disposal of the collected solids, and location where the discharge will be released, as required by Part VIII.R of the MSGP; c. Site Maps that depict the following, as required by Part III.C.6 of the MSGP: <ol style="list-style-type: none"> 1. Approximate outline of drainage area to each outfall; 2. Direction of stormwater flow using arrows to show which ways stormwater will flow; 3. Locations of the potential pollutant sources; 4. Locations where storage of wastes is exposed to precipitation; and 5. Locations of all stormwater conveyances, including but not limited to the 	<p>Within ninety (90) days of receipt of this Order</p>

<p>following:</p> <ul style="list-style-type: none"> (i) Catch basin #1 located southwest of the hazardous waste drum area; (ii) Three (3) drains adjacent to the sewage storage tank on Berth 9; and (iii) A catch basin adjacent to Dry Dock 1. <p>d. Updates to accurately reflect current operations and the Facility, as required by Part III.E.1 of the MSGP, including but not limited to the following:</p> <ul style="list-style-type: none"> 1. Changes in operations due to damages sustained on October 29, 2012 due to the Hurricane Sandy storm surge, including the utilization of two (2) sump pumps to replace damaged pumps; 2. The most recent MSGP which became effective on October 1, 2012; 3. Accurate depictions of drains on the Site map located in shops and connections to the storm sewers and disconnections of shop drains identified; 4. The Facility's Site Map located in the SWPPP depicts a proposed aboveground diesel storage tank location and a proposed contained fabric structure indoor sandblasting that were not observed in the field at the Facility; 5. Accurate descriptions and depictions of what portions of the Facility drain to the combined sewer versus the storm sewer; 6. Accurate descriptions and depictions of catch basins, including but not limited to the catch basins along the west side of Dry Dock 1 and on Berth 7 at Outfall 003; and 7. Clarify whether or not the Facility has an oil/water separator(s) on-site. 	
<p>vii. Implement revised SWPPP submitted to EPA in response to Item vi. above.</p>	<p>Within fourteen (14) days of EPA's written approval</p>
<p>viii. Retain records required by the MSGP for a period of at least five (5) years as required by Parts IV.E.1 and IV.E.2.a of the MSGP, including but not limited to the following records:</p> <ul style="list-style-type: none"> a. Comprehensive Site Compliance Inspection and Evaluations; b. Quarterly Visual Monitoring; c. Annual Dry Weather Flow Monitoring; d. Annual Certification Report; e. Storm Event Data Forms; f. Weekly Dry Dock Drainage System Inspections; g. Annual Signed and Dated Training Logs; and h. Monthly Stormwater Drainage System Inspections. 	<p>Begin immediately upon receipt of this Order</p>
<p>ix. Conduct and document Quarterly Visual Monitoring as required by Parts IV.B.1.a and Part V.H of the MSGP, including but not limited to the following:</p> <ul style="list-style-type: none"> a. One grab sample taken from each outfall at each quarter; b. Samples must be from stormwater discharges resulting from a storm even with at least 0.1 inch of precipitation; c. Samples must be taken within the first 30 minutes of the discharge; d. Include documentation of observations of floating solids; 	<p>No later than September 30, 2014 and quarterly thereafter, as required by Part</p>

e. Include the certification statement provided in Part V.H of the MSGP; and f. Complete Storm Event Data Forms, as required by Part IV.B.2.	IV.B.1.a.(1) of the MSGP
x. Conduct and document Annual Dry Weather Flow Inspections as required by Part IV.B.1.b of the MSGP, including but not limited to the following: a. Perform and document at least one dry weather flow inspection each year after at least three (3) consecutive days of no precipitation; and b. Document Annual Dry Weather Flow Inspections in a report format, including the inspection time and non-authorized discharges.	No later than September 30, 2014 and annually thereafter, as required by Part IV.B.1.b.(1) of the MSGP
xi. Conduct and document annual Comprehensive Site Compliance Evaluations, as required by Part VIII.R of the MSGP.	No later than September 30, 2014 and at least annually thereafter, as required by Part IV.B.1.b.(1) of the MSGP

D. GENERAL PROVISIONS

1. All information or documents required to be submitted by Respondent as part of this Order shall be sent by certified mail or its equivalent to the following addresses:

Doughlas McKenna, Chief
Water Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2
290 Broadway, 20th Floor
New York, New York 10007-1866

Joseph DiMura, P.E., Director
Bureau of Water Compliance Programs
Division of Water, NYSDEC
625 Broadway
Albany, New York 12233-3506

2. Pursuant to 40 C.F.R. § 122.22, all information or documents required to be submitted by Respondent shall be signed by an authorized representative of Respondent, and shall include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the

information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

3. The Respondent shall have the opportunity, for a period of twenty (20) days from the date of receipt of this Order, to confer regarding the Ordered Provisions, with the following designated Agency representative:


Douglas McKenna, Chief
Water Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2
290 Broadway, 20th Floor
New York, New York 10007-1866
(212) 637-4244

4. Respondent has the right to seek immediate federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706. Section 706, which is set forth at <http://uscode.house.gov/download/pls/05C7.txt>, which provides the grounds for such review.
5. This Order does not constitute a waiver from compliance with, or a modification of, the effective terms and conditions of the CWA, its implementing regulations, or any applicable permit, which remain in full force and effect. This Order is an enforcement action taken by EPA to ensure swift compliance with the CWA. Issuance of this Order shall not be deemed an election by EPA to forego any civil or criminal actions for penalties, fines, imprisonment, or other appropriate relief under the CWA.
6. Notice is hereby given that failure to comply with the terms of the CWA Section 309(a)(3) Compliance Order may result in your liability for civil penalties for each violation of up to \$37,500.00 per day under Section 309(d) of the CWA, 33 U.S.C. § 1319(d), as modified by 40 C.F.R., Part 19. Upon suit by EPA, the United States District Court may impose such penalties if, after notice and opportunity for hearing, the Court determines that you have violated the CWA as described above and failed to comply with the terms of the Compliance Order. The District Court has the authority to impose separate civil penalties for any violations of the CWA and for any violations of the Compliance Order.
7. If any provision of this Order is held by a court of competent jurisdiction to be invalid, any surviving provisions shall remain in full force and effect.
8. This Order shall become effective upon the date of execution by the Director, Division of Enforcement and Compliance Assistance.

Dated:

7/24/14

Signed:


Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

GMD Shipyard Corp.
63 Flushing Avenue Unit #278
Brooklyn, New York 11205

Proceeding pursuant to Section 309(a)(3) of the
Clean Water Act, 33 U.S.C. § 1319(a)(3)

RESPONDENT

ADMINISTRATIVE
COMPLIANCE ORDER

CWA-02-2014-3050

ACKNOWLEDGMENT OF RECEIPT OF
ADMINISTRATIVE COMPLIANCE ORDER

I, _____, an authorized representative of GMD Shipyard Corp.,

with the title of, _____, do hereby acknowledge the receipt of copy of

the ADMINISTRATIVE COMPLIANCE ORDER, CWA-02-2014-3050.

DATE: _____

SIGNED: _____



United States Environmental Protection Agency
Washington, D.C. 20460
Water Compliance Inspection Report

Form Approved
OMB No. 2040-0057

Section A: National Data System Coding (i.e., PCS)

Transaction Code		NPDES		yr/mo/day		Inspection Type		Inspector		Fac Type	
1 N	2 5	3 NYR	00D	1 6 2 11	12 1 4 0 5 1 4 17	18 ~		19 R		20 2	
Remarks											
21											
66											
Inspection Work Days Facility Self-Monitoring Evaluation Rating B1 QA Reserved											
67 1 69 70 71 72 73 74 75 80											

Section B: Facility Data

Name and Location of Facility Inspected (for industrial users discharging to POTW, also include POTW name and NPDES permit number)		Entry Times/Dates	Permit Effective Date
GMD Shipyard Corp. Brooklyn Navy Yard 63 Flushing Avenue, Unit #278 Brooklyn, NY 11205		05/14/2014 1:00 PM	10/01/2012
		Exit Times/Dates	Permit Expiration Date
		05/14/2014 4:30 PM	09/30/2017
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)		Other Facility Data	
Kevin Nugent, Director of Health, Safety and Environment GMD Shipyard Corp., Brooklyn Navy Yard, BLDG. 595 63 Flushing Avenue, Unit #278, Brooklyn, NY 11205 Phone: 718-260-9200		SIC Code: 3731 Lat, Long: 40.700, -73.969	
Name, Address of Responsible Official/Title/Phone and Fax Number(s)			
Michael Cranston, President, GMD Shipyard Corp., Brooklyn Navy Yard, BLDG. 595, 63 Flushing Avenue, Unit #278, Brooklyn, NY 11205, Phone: 718-260-9200			
		Contacted	
		Yes X No	

Section C: Areas Evaluated During Inspection (Check only those areas evaluated)

<input checked="" type="checkbox"/> Permit	Flow Measurement	<input checked="" type="checkbox"/> Operations & Maintenance	CSO/SSO (Sewer Overflow)
<input checked="" type="checkbox"/> Records/Reports	Self-Monitoring Program	Sludge Handling/Disposal	<input checked="" type="checkbox"/> Pollution Prevention
<input checked="" type="checkbox"/> Facility Site Review	Compliance Schedules	Pretreatment	Multimedia
Effluent/Receiving Water	Laboratory	<input checked="" type="checkbox"/> Storm Water	Other:

Section D: Summary of Findings/Comments (Attach additional sheets of narrative and checklists as necessary)

See Attached Inspection Report

Also Present at the Time of the Inspection:
Sam Kerns, USEPA-DECA-RCB, 212-637-4062
Tom Kunkel, Consultant, CEC, tckunkel@aol.com

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Phone and Fax Numbers	Date
Kimberly McEathron, Physical Scientist	EPA/DECA-WCB/ (212) 637-4228 FAX:x3953	7/1/2014
Signature of Management Q/A Reviewer	Agency/Office/Phone and Fax Numbers	Date
Justine Modigliani, P.E., Compliance Section Chief	EPA/DECA-WCB/ (212) 637-4268 FAX:x3953	7/1/14

Section D: Summary of Findings/Comments

INTRODUCTION:

On May 15, 2014, the United States Environmental Protection Agency (EPA) conducted a Compliance Evaluation Inspection (CEI) at the GMD Shipyard Corp. facility located in the Brooklyn Navy Yard at 63 Flushing Avenue, Unit #278 in Brooklyn, New York ("Site" or "Facility"). The Facility is operated by GMD Shipyard Corp. who directly employs approximately twenty (20) full-time employees with another approximately 100 individuals on-site working at the Facility for outside companies. GMD Shipyard Corp. leases the 23-acre property at the Brooklyn Navy Yard from the Brooklyn Navy Yard Development Corporation. Mr. Kevin Nugent, Director of Health, Safety and Environment, was present at the time of the inspection and represented the Facility. Ms. Kimberly McEathron, of EPA Region 2, led the CEI and conducted a Site walk-through. Weather conditions at the time of the CEI were dry and approximately 60°F.

According to the New York State (NYS) Department of State (DOS) Division of Corporations database, GMD Shipyard Corp. located at 63 Flushing Avenue initially filed as an active entity with the DOS on May 4, 2001 with Michael Cranston listed at the Chief Executive Officer. According to the Facility representative, the Facility has leased the property and operated at this location for at least six (6) years, although the length of time beyond that was not known.

On March 12, 2008, GMD Shipyard Corp. submitted a Notice of Intent (NOI) to gain coverage under the NYSDEC State Pollution Discharge Elimination System (SPDES) Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) GP-0-06-002 and the NOI was received by the NYSDEC on March 14, 2008. The Facility subsequently gained coverage under Sector R: Ship and Boat Building or Repairing Yards of the MSGP, under SPDES ID No. NYR00D162. GP-0-06-002 became effective on March 28, 2007 and expired on March 27, 2012. The Facility automatically gained coverage under SPDES MSGP GP-0-11-009 which became effective on March 28, 2012 and expired on September 30, 2012. On December 21, 2012, GMD Shipyard Corp. submitted a NOI to gain coverage under the NYSDEC SPDES MSGP GP-0-12-001 and the NOI was received by the NYSDEC on December 26, 2012. The current MSGP, GP-0-12-001, became effective on October 1, 2012 and expires on September 30, 2017. At the time of the inspection, the Facility did not have coverage under any additional SPDES permits.

The Facility's MSGP Stormwater Pollution Prevention Plan (SWPPP) provided at the time of the inspection, dated June 2003, was prepared by Quay Consulting, LLC and was titled "Best Management Practice Plan". The SWPPP Site map provided at the time of the inspection was developed by Quay Consulting, LLC and was dated June 28, 2003.

Facility Description

The Facility conducts dry dock and wet berth ship repairing services including sand and grit blasting, hydroblasting, surface coating, metal fabrication, fuel oil storage and waste material operations and operates under Standard Industrial Classification (SIC) Code 3731, Ship Building and Repairing. According to the Facility representative, the dry docking process takes approximately twelve (12) hours and vessels are on-site for repair on average ninety (90) days depending on the services required. According to the Facility representative, the Facility has completed a test phase and will begin using glass for blasting the week following the CEI. The Facility has a roofed designated hazardous waste material storage area located southeast of the office buildings (see photograph DSCN2119.JPG).

The Facility consists of a Main Yard with three (3) dry docks (Dry Docks 3, 5 and 6), four (4) wharfs also known as berths (Berths 7, 8, 9 and 10), a machine shop, warehouse, mechanic shop, tool shop and storage. The

Facility also includes Dry Dock 1 which is located adjacent to Dry Dock 4 and is west of the Main Yard. See Table 1 for more details regarding the dry docks.

Table 1: Facility Dry Dock Dimensions and Operational Status

	Length (feet)	Width (feet)	Depth (feet)	Operational Status
Dry Dock 1	343	64.23	22	Operational Dry Dock
Dry Dock 3	738	112.78	N/A	Operational Wet Berth
Dry Dock 4	N/A	N/A	N/A	Not Operational
Dry Dock 5	1,068	150	39	Operational Dry Dock
Dry Dock 6	1,068	150	39	Operational Dry Dock

Dry Docks 1, 5 and 6 are operational dry docks and at the time of the inspection Dry Docks 5 and 6 contained vessels that were being serviced. Dry Dock 3 is operated for wet berth only, meaning vessels are maintained while docked and the water in the dry dock is not drained. At the time of the inspection, a vessel was docked in Dry Dock 3 (see photographs DSCN2169.JPG – DSCN2170.JPG). According to the Facility representative, Dry Dock 4 was flooded and has been out of operation for approximately twenty (20) years.

Facility Drainage Systems and Discharges

Stormwater

The Facility is completely paved and is serviced by both a separate storm sewer system and a combined sewer system. According to the Facility's SWPPP, the sanitary sewer system at the Main Yard and a small portion of stormwater drainage immediately southeast of the Facility's office buildings comprises the combined sewer system at the Main Yard which flows to the Newtown Creek Water Pollution Control Plant via a force main at Assembly Road. According to the Facility's SWPPP, the sanitary sewer system from the building adjacent to Dry Dock 1 and a small portion of stormwater drainage immediately south and east of Dry Dock 1 comprises the combined sewer system at this location which flows to the Red Hook Waste Water Pollution Control Plant in the Brooklyn Navy Yard.

The separate storm water drainage systems at both the Main Yard and Dry Dock 1 are located along each berth and the waterfront and discharge into the East River (Wallabout Bay) through discrete stormwater outfalls as detailed in Table 2 (see attached Facility Site Maps). Stormwater discharges from the Facility drain to the East River (Wallabout Bay) located north of the Facility via four (4) stormwater outfall pipes (Outfalls 001, 004, 006 and 009). According to the Facility representative, the area south and west of Dry Dock 3 at Berth 7 is not operated by GMD Shipyard Corp., the catch basins have been removed and the stormwater outfall (Outfall 003) has been closed. However, the Facility's SWPPP depicts and describes stormwater catch basins and Outfall 003 at this location and the Facility's 2012 NOI includes Outfall 003. In addition, stormwater discharges directly from the dock to the East River via dock drains that are not connected by pipe to the storm sewer. According to the Facility Site maps, the Main Yard has at least thirty-six (36) deck drains.

Non-stormwater

The dry dock operations conducted at the Facility involves a vessel floating into the flooded dry dock, once the vessel is correctly aligned and the caisson gate is closed the East River water is pumped out of the approximately 12 million cubic foot dry dock using the "main pumps". As the water is pumped out of the dry dock, the vessel rests on assembled supporting blocks approximately six (6) feet above the base of the dry dock. According to the Facility representative, once the water in the dry dock reaches below three (3) or four (4) feet the large "main pumps" lose suction and the "stripping pumps" or "sump pumps" are used to drain the remaining water from the dry dock. The vessel is then serviced while the dock is kept dry. The dock is kept dry

through the use of the “stripping pumps” or “sump pumps” which removes various sources of water from the dry dock and discharges the pumped water into the East River, as detailed in Table 2 (see attached Facility Site Maps). When work on the vessel is finished the water is allowed to re-enter the dry dock, the vessel is re-floated and the caisson gate is allowed to re-open.

According to the Facility representative, hydroblasting is conducted at the Facility, although infrequently. Hydroblasting is a vessel cleaning method that utilizes pressurized water to remove paint chips, marine growth, material build-up, films and other debris from the vessel to prepare the surface for applications of paint, sealant and other coatings. When hydroblasting is conducted on a dry dock at the Facility, the resulting process wastewater is discharged to the East River via drainage channels along the dry dock and the sump pump or stripping pump outfalls.

At the time of the inspection, EPA Inspector McEathron observed a pile of spent grit, soil, sediment, trash and other materials in Dry Dock 5 at the south end (see photograph DSCN2154.JPG). The pile was approximately 150 feet wide, 30 feet tall and 20 feet deep. According to the Facility representative, the pile has been at this location for over fifteen (15) years, the material is not removed when the dry dock is flooded and the material is completely submerged with water when the dry dock is flooded.

At the time of the inspection, EPA Inspector McEathron observed two (2) small piles of sediment and soil that contained trash, spent grit and other materials at the north ends of Dry Docks 5 and 6 (see photographs DSCN2144.JPG and DSCN2148.JPG). According to the Facility representative, the piles are purposefully there to act as berms and divert water that enters the dry docks through leaks in the caisson gates into drainage channels along the sides of the dry docks. According to the Facility representative, the material is not removed when the dry dock is flooded.

According to the Facility representative and observations at the time of the inspection, Dry Docks 1, 5 and 6 are equipped with a main pump and stripping/sump pumps. According to the Facility representative, some of the pumps sustained damages as a result of the Hurricane Sandy storm surge that occurred on October 29, 2012 and these damaged pumps have been replaced with temporarily installed pumps.

Sources of water removed from the dry docks and discharged into the East River from the stripping/sump pumps include water that enters the dry dock through leaks in the caisson gate, groundwater infiltration, stormwater that falls onto the dry dock, hydroblasting process wastewater, water from fire suppressant systems and potable water. At the time of the inspection, EPA Inspector McEathron observed water entering Dry Docks 1, 5 and 6 from the East River through leaks in the respective caisson gates (see photographs DSCN2144.JPG, DSCN2148.JPG and DSCN2175.JPG).

Table 2: Facility Outfall Descriptions

Outfall Number	Location	Type of Discharge	Discharge Source(s)	Pumping Rate	Receiving Water
001 (a.k.a. #1GD#1)	Dry Dock 1	Stormwater and Main Pump	Approximately 4 million gallons of tidal waters from flooded dry dock to initially empty the dry dock	16,000 gpm	Wallabout Bay East River
002	Dry Dock 1	Stripping Pump	Stormwater, caisson gate leakage water, groundwater infiltration and hydroblasting and other water used during the repair activities from the dry dock	3,000 gpm	Wallabout Bay East River

003	Berth 7 (West of Dry Dock 3)	Stormwater	Stormwater runoff from 2.37 acres, 10 brick and concrete drainage structures and 0.17 miles of vitrified clay sewer pipes	N/A	Wallabout Bay East River
004 (a.k.a. #3Berth8)	Berth 8 (West of Dry Dock 5)	Stormwater	Stormwater runoff from 11.5 acres, including partially uncovered spent grit pile and exposed waste material on Berth 8, 25 concrete drainage structures and 0.51 miles of reinforced concrete sewer pipes	N/A	Wallabout Bay East River
005	Dry Dock 5	Stripping Pump	Stormwater that contacts grit/soil/waste berm and large pile on Dry Dock 5, caisson gate leakage water, groundwater infiltration and hydroblasting and other water used during the repair activities from the dry dock	16,000 gpm	Wallabout Bay East River
006 (a.k.a. #2Berth9)	Berth 9 (south of Dry Dock 6)	Stormwater	Stormwater runoff from 2.6 acres including exposed waste and material on Berth 9, 20 concrete drainage structures and 0.36 miles of reinforced concrete sewer pipes	N/A	Wallabout Bay East River
007	Dry Dock 5 & 6	Main Pump	Approximately 51 million gallons of tidal waters from the flooded dry dock that come in contact with grit/soil/waste at ends of Dry Docks 5 and 6 and large waste grit pile at end of Dry Dock 5	130,000 gpm	Wallabout Bay East River
008	Dry Dock 6	Stripping Pump	Removes stormwater that comes in contact with the grit/soil/waste berm, caisson gate leakage water, groundwater infiltration and hydroblasting and other water used during the repair activities from the dry dock	16,000 gpm	Wallabout Bay East River
009 (a.k.a. #4Berth#10)	Berth 10 (north of Dry Dock 9)	Stormwater	Stormwater runoff from 4.4 acres, 15 concrete drainage structures and 0.25 miles of reinforced concrete sewer pipes	N/A	Wallabout Bay East River

At the time of the inspection, EPA Inspector McEathron was unable to observe if flow was being discharged from stormwater Outfalls 003, 004, 006 and 009 due to the outfall pipes being submerged in the East River and the upstream catch basins being either covered with sediment or with metal plates. EPA Inspector McEathron did not observe flow discharging from stormwater Outfall 001 which was partially submerged by the East River at the time of the inspection. At the time of the inspection, EPA Inspector McEathron observed discharges from Stripping/Sump Pumps at Outfalls 002, 005, and 008 to the East River (see photographs DSCN2145.JPG, DSCN2147.JPG and DSCN2179.JPG).

Sampling and Records

According to the Facility representative, records were maintained in a ground floor office and were destroyed when that office was flooded during the Hurricane Sandy storm surge on October 29, 2012. Records provided at the time of the inspection include:

1. Annual Dry Weather Flow Inspections dated 5/10/2013 and 5/13/2014 at "Stormwater Discharge Outflows No. 001, 002, 003, 004";
2. Quarterly Visual Monitoring Forms dated 12/14/2012, 3/12/2013, 4/15/2013, 9/13/2013, 12/6/2013, 2/20/2014 at "Out Fall No. #1GD#1, #2Berth9, #3Berth#8, #4Berth#10";
3. Oil and Chemical Storage Area Weekly Inspection Logs dated 2/28/2013 through 5/14/2014;
4. Dry Dock Drainage System Record Weekly dated 1/2013 through 5/9/2014; and
5. Spills training sign in sheet dated 3/19/2014.

The NYSDEC provided EPA with a copy of the Facility's Annual Certification Report dated 2/24/2014 and the Facility's NOI dated 12/21/2012 which were unavailable on-site at the time of the inspection.

According to the SWPPP, Quay Consulting LLC conducted dry dock drainage sampling of Dry Docks 1, 5 and 6 from Outfalls 002, 005 and 008 on February 2, 2003 and March 11, 2003. According to the SWPPP, the dry dock drainage stripping pump effluent has been determined to be the "worst-case scenario for contribution of contaminants" to the East River. According to the sampling results summarized in Table 3, the stripping pumps and main pump discharges may contribute additional mercury, antimony, selenium and copper to the East River.

Table 3: Quay Consulting LLC sampling results from 2003

	East River (mg/L)	Dry Dock 1 Stripping Pump (Outfall 002) (mg/L)	Dry Dock 1 Main Pump (Outfall 002) (mg/L)	Dry Dock 5 Stripping Pump Outfall 005 (mg/L)	Dry Dock 6 Stripping Pump Outfall 008 (mg/L)
Antimony	0.0065	0.0065	0.014	0.0065	0.0065
Arsenic	0.06	0.049	0.061	0.047	0.051
Beryllium	0.0002	0.0002	0.0002	0.0002	0.0002
Cadmium	0.0007	0.0007	0.0007	0.0007	0.0007
Chromium	0.001	0.001	0.001	0.001	0.001
Copper	0.0031	0.0031	0.0031	0.023	0.018
Lead	0.0024	0.0024	0.0024	0.0024	0.0024
Mercury	0.00002	0.000042	0.00002	0.00002	0.00002
Nickel	0.005	0.0059	0.0055	0.006	0.005
Selenium	0.0054	0.0034	0.0079	0.0034	0.004
Silver	0.016	0.016	0.019	0.014	0.01
Thallium	0.0044	0.0044	0.0044	0.0044	0.0044
Zinc	0.012	0.026	0.013	0.024	0.02
Cyanide	0.003	0.003	0.003	0.003	0.003

ADDENDUM:

Subsequent to the inspection, on May 19, 2014 the Facility representative submitted to EPA Inspector McEathron via email before and after photographs of the two (2) grit spills and a red garnet spill on Berth 9

(depicted in photographs DSCN2130.JPG, DSCN2134.JPG, DSCN2135.JPG and DSCN2137.JPG) demonstrating that the spilled material had been removed.

NON-COMPLIANCE ITEMS:

1. Part I.B.1.a.(2).(j) of the MSGP states that the owner or operator must eliminate non-stormwater discharges not authorized by a SPDES permit. Non-stormwater discharges at the Facility that are not authorized by the MSGP or a SPDES permit at the Facility include:
 - a. Sump Pump and Stripping Pump discharges
 - i. At the time of the dry weather inspection conducted by EPA, EPA Inspector McEathron observed discharges at Dry Docks 1, 5 and 6 from stripping/sump pump Outfalls 002, 005 and 008 to the East River. At the time of the inspection, Dry Docks 5 and 6 contained vessels being serviced, spent grit and waste.
 - ii. Part VIII.R of the MSGP states that the discharge of waste water from pressure washing to remove marine growth from vessels must be permitted by a separate SPDES permit. According to the Facility representative, hydroblasting is conducted at the Facility. When hydroblasting is conducted on a dry dock the resulting process wastewater is discharged to the East River via the sump pump and stripping pump outfalls.
 - b. Main Pumps at Dry Docks 1, 5 and 6 discharge to the East River via Outfalls 001 and 007. The Main Pump discharges contain East River water that has come into contact with grit, soil and waste berms on Dry Docks 5 and 6 and a large spent grit and trash pile on Dry Dock 5 as well as any additional raw and waste materials not removed from the dry docks prior to flooding.
2. EPA Inspector McEathron identified the following SWPPP elements that were not included in the Facility's developed SWPPP as required by Part III.A of the MSGP:
 - a. The SWPPP did not describe procedures for routine maintenance and cleaning of the dry dock to minimize the potential for pollutants in the stormwater runoff as required by Part VIII.R of the MSGP.
 - b. Part VIII.R of the MSGP states that facilities that pressure wash vessels must include the following information in the SWPPP: measures to collect or contain the discharge from the pressure washing area, method for removal or the visible solids, methods of disposal of the collected solids, and location where the discharge will be released. According to the Facility representative, hydroblasting is conducted at the Facility and the SWPPP does not contain any BMPs specific to hydroblasting.
3. The Facility failed to implement the SWPPP as required by Part III.A of the MSGP in the following ways:
 - a. Part III.C.7.e of the MSGP states that the SWPPP must describe the stormwater training program, training shall be conducted at least annually and an annual signed and dated employee training log must be kept in the SWPPP. Section 6.0 of the Facility's SWPPP states that all new employees receive eight-hour facility specific training and four-hour refresher training sessions are held annually for all spill response personnel. According to the Facility representative, health and safety training which includes spill training is conducted for new hires and refresher meetings are held Wednesday mornings. At the time of the inspection, stormwater training records were not available and a training log was not located in the SWPPP.
 - b. Part III.C.7.g of the MSGP states that all SWPPPs developed under the MSGP shall ensure that waste, garbage and floatable debris are not discharged to receiving waters. Section 4.1.1 of the Facility's SWPPP states that the Facility is to regularly pickup and dispose of garbage and waste materials. At the time of the inspection, EPA Inspector McEathron observed the following

garbage and waste materials at the Facility exposed to stormwater and uphill from stormwater catch basins:

- i. Red garnet (used in mixing non-skid paint) spilled adjacent to a catch basin (see photograph DSCN2130.JPG). The Facility representative, stated that the paint was mixed at this location;
 - ii. Eleven (11) used paint cans and trash in an uncovered dumpster on Berth 9 (see photograph DSCN2131.JPG);
 - iii. Grit spilled on the ground at the Vacuum blast equipment loading area on Berth 9 (see photographs DSCN2134.JPG – DSCN2135.JPG);
 - iv. Grit spilled on the ground on Berth 9 (see photograph DSCN2137.JPG);
 - v. Twenty (20) used paint cans on Berth 9 (see photographs DSCN21383.JPG – DSCN2139.JPG);
 - vi. Large spent grit pile partially uncovered with adjacent spilled spent grit (see photographs DSCN2157.JPG – DSCN2162.JPG and DSCN2171.JPG);
 - vii. Clam shell containing spent grit and trash on Berth 8 (see photographs DSCN2164.JPG);
 - viii. Blasting glass spilled on a catch basin on Berth 8 (see photograph DSCN2168.JPG); and
 - ix. An uncovered dumpster containing waste on Berth 8 (see photograph DSCN2158.JPG).
- c. Part VIII.R of the MSGP states that the SWPPP must include a schedule for regularly cleaning storm systems to remove deposits of abrasive blasting debris and paint chips. Section 4.1.1 of the Facility's SWPPP states that the Facility is to maintain dry and clean floors, ground surfaces, dry dock floors, and storm drains by using brooms, shovels, vacuum cleaners, and cleaning machines prior to and after ship docking. According to the Facility representative, the storm systems at the Facility have never been cleaned. At the time of the inspection, EPA Inspector McEathron observed components of the storm system that were filled with debris as detailed below:
- i. Catch basin #6 filled with sediment, located between Berths 8 and 9 (see photographs DSCN2155.JPG – DSCN2156.JPG);
 - ii. Catch basin #7 containing pooling water and spent grit downhill from the spent grit pile on Berth 8 (see photographs DSCN2161.JPG – DSCN2162.JPG);
 - iii. Catch basin #8 containing pooling water and brown foam on Berth 8 (see photograph DSCN2163.JPG);
 - iv. Catch basin #9 filled with sediment, located on Berth 8 (see photographs DSCN2166.JPG - DSCN2167.JPG);
 - v. Catch basin #10 covered with blasting glass on Berth 8 (see photograph DSCN2168.JPG);
 - vi. Catch basin adjacent to Dry Dock 1 filled and covered with sediment (see photograph DSCN2172.JPG); and
 - vii. According to the Facility Site Map located in the SWPPP, there are at least two (2) catch basins located underneath the spent grit pile on the south end of Berth #8. The Facility representative was unaware of any protection or coverings that have been installed on the catch basins.
- d. Part VIII.R of the MSGP states that the SWPPP must describe procedures for cleaning the accessible areas of the dry dock prior to flooding. Section 4.3.1 of the Facility's SWPPP states that spent abrasive materials are collected and removed from graving docks, prior to flooding and Section 3.2.2 of the SWPPP states that prior to flooding, the dry docks are inspected and cleaned to prevent contact of tidal water with potential pollutants. According to the Facility representative and observations obtained by EPA Inspector McEathron at the time of the inspection, the following materials are not removed from the dry dock prior to flooding:
- i. At the time of the inspection, EPA Inspector McEathron observed a pile of spent grit, soil, sediment, trash and other materials in Dry Dock 5 at the south end (see photograph DSCN2154.JPG). The pile was approximately 150 feet wide, 30 feet tall and 20 feet

- deep. According to the Facility representative, the pile has been at this location for over fifteen (15) years, the material is not removed when the dry dock is flooded and the material is completely submerged with water when the dry dock is flooded.
- ii. At the time of the inspection, EPA Inspector McEathron observed two (2) small piles of sediment and soil that contained trash, spent grit and other materials at the north ends of Dry Docks 5 and 6 (see photographs DSCN2144.JPG and DSCN2148.JPG). According to the Facility representative, the piles are purposefully there to act as berms and divert water that enters the dry docks through leaks in the caisson gates into drainage channels along the sides of the dry docks. According to the Facility representative, the material is not removed when the dry dock is flooded.
- e. Part VIII.R of the MSGP states that the SWPPP must describe procedures for the cleanup of oil, grease, or fuel spills occurring on the dry dock. Section 5.0 of the SWPPP describes spill response procedures. At the time of the inspection, EPA Inspector McEathron observed the following petroleum product spill locations:
- i. Stained ground adjacent to the hazardous waste storage area and exposed to stormwater (see photographs DSCN2119.JPG, DSCN2123.JPG, DSCN2125.JPG);
 - ii. Pooling water containing oil sheens adjacent to the hazardous waste storage area and exposed to stormwater (see photographs DSCN2121.JPG – DSCN2122.JPG); and
 - iii. Pooling water containing an oil sheen adjacent to a stormwater catch basin on Berth 9 (see photograph DSCN2128.JPG – DSCN2129.JPG).
- f. Section 4.1.2 of the SWPPP states that the Facility is to store chemical (paints and thinners) and petroleum product containers on containment systems and Section 4.3.2 of the SWPPP states that portable spill pallets and containment areas shall be used to store and mix paints. Section 4.1.2 of the SWPPP states that where feasible, containment of raw or waste material(s) will be covered, to prevent stormwater contact and Section 4.3.4 of the SWPPP states that the Facility shall avoid contaminating storm water from outside material storage by using the following measures: Storing material indoors; covering the area with a roof; covering the material with a temporary covering such as tarpaulins to prevent rain water accumulations; minimizing storm water runoff by enclosing areas or building a berm around the area. At the time of the inspection EPA Inspector McEathron observed the following chemicals, raw and waste materials stored outside, exposed to stormwater and not on a spill pallet and containment system:
- i. Two (2) 55-gallon drums beyond the roof at the hazardous waste drum area (see photograph DSCN2120.JPG);
 - ii. Twelve (12) 55-gallon drums southwest of hazardous waste drum area (see photograph DSCN2123.JPG);
 - iii. Garnet red (used in mixing non-skid paint) spilled adjacent to a catch basin (see photograph DSCN2130.JPG). The Facility representative, stated that the paint was mixed at this location;
 - iv. Eleven (11) used paint cans and trash in a dumpster on Berth 9 (see photograph DSCN2131.JPG);
 - v. Six (6) 55-gallon hydraulic oil drums on Berth 9 (see photographs DSCN2132.JPG - DSCN2133.JPG);
 - vi. Grit spilled on the ground at the Vacuum blast equipment loading area on Berth 9 (see photographs DSCN2134.JPG – DSCN2135.JPG);
 - vii. Grit spilled on the ground on Berth 9 (see photograph DSCN2137.JPG);
 - viii. Twenty (20) used paint cans on Berth 9 (see photographs DSCN21383.JPG – DSCN2139.JPG);
 - ix. Nineteen (19) paint cans with rust on Berth 9 (see photograph DSCN2141.JPG);
 - x. Five (5) 55-gallon hydraulic oil drums on Berth 9 (see photograph DSCN2143.JPG);

- xi. Two (2) 55-gallon gasoline drums adjacent to the mechanic shop (see photograph DSCN2151.JPG);
 - xii. Large spent grit pile partially uncovered with adjacent spilled spent grit (see photographs DSCN2157.JPG – DSCN2162.JPG and DSCN2171.JPG);
 - xiii. Clam shell containing spent grit and trash on Berth 8 (see photographs DSCN2164.JPG); and
 - xiv. Blasting glass spilled on a catch basin on Berth 8 (see photograph DSCN2168.JPG).
 - g. Section 4.2.3 of the SWPPP states the stormwater drainage system, shall be inspected on a monthly basis. Inspection records document the structural condition of storm drains, evidence of past or recent spills, clean-up activities conducted to remove silt and material residues. At the time of the inspection, stormwater drainage system inspections were not conducted and documented.
4. At the time of the inspection, EPA Inspector McFathron identified the following site map elements required by Part III.C.6 of the MSGP that were not depicted on the Facility site map provided in the SWPPP:
- a. Approximate outline of drainage area to each outfall;
 - b. Direction of stormwater flow using arrows to show which ways stormwater will flow;
 - c. Locations of the potential pollutant sources;
 - d. Locations where storage of wastes is exposed to precipitation; and
 - e. Locations of the following stormwater conveyances:
 - i. Catch basin #1 located southwest of the hazardous waste drum area (see photograph DSCN2123.JPG);
 - ii. Three (3) drains adjacent to the sewage storage tank on Berth 9 (see photograph DSCN2140.JPG); and
 - iii. A catch basin adjacent to Dry Dock 1 (see photograph DSCN2180.JPG).
5. The Facility's SWPPP, which has not been amended since June 2003, does not include changes in the operation of the Facility as required by Part III.E.1 of the MSGP resulting from the following:
- a. Damages sustained on October 29, 2012 due to the Hurricane Sandy storm surge and resulting changes in operations, including the utilization of two (2) sump pumps to replace damaged pumps;
 - b. Changes to accommodate modified requirements of the three (3) MSGPs issued since June 2003 (GP-0-11-000, GP-0-11-009 and GP-0-12-001) including the most recent MSGP, GP-0-12-001, which became effective on October 1, 2012;
 - c. The Facility's Site Map located in the SWPPP depicts a total of eight (8) drains in the Garage, Machine Shop, Pipe Shop, Tool Shop and other various buildings at the Facility that are connected to the storm sewer system. However, these drains could not be located at the time of the inspection and according to the Facility representative there are no drains in the shop.
 - d. The Facility's Site Map located in the SWPPP depicts a proposed aboveground diesel storage tank location and a proposed contained fabric structure indoor sandblasting that were not observed in the field at the Facility;
 - e. Section 3.2.2 of the SWPPP states that during dry dock operations at the Main Yard, stormwater collects in the dry dock storm drain system and is pump via the 8 inch force main to the combined sewer system where flow is conveyed to Newtown Creek WPCF. However, observations at the time of the inspection and the system depicted on the Facility Site Map in the SWPPP demonstrate that water that enters the dry dock is discharged to the East River via the pumping systems;
 - f. Section 3.2.3 of the SWPPP states that catch basins along the west side of Dry Dock 1 have been plated and are no longer functional. However, according to the Facility representative and

- observations at the time of the inspection, the catch basins observed on-site were not plated and the Facility continues to conduct stormwater monitoring at Outfall 001;
- g. Section 4.2.5 of the SWPPP states that the Facility has an oil/water separator for pumping secondary containment areas. However, according to the Facility representative there are no oil/water separators at the Facility; and
 - h. The Facility's Site Map located in the SWPPP depicts and describes stormwater catch basins and Outfall 003 and the Facility's 2012 NOI includes Outfall 003. However, according to the Facility representative, the area south and west of Dry Dock 3 at Berth 7 is not operated by GMD Shipyard Corp., the catch basins have been removed and the stormwater outfall (Outfall 003) has been closed. The Facility does not conduct monitoring at Outfall 003.
6. Part IV.B.1.a.(2) of the MSGP states that all Quarterly Visual Monitoring samples must be collected from discharges resulting from a qualifying storm event, in accordance with Part IV.B.2.b.(1). Part IV.B.2.b.(1) of the MSGP states that a minimum of one grab sample must be taken from the stormwater discharge associated with industrial activity resulting from a storm event with at least 0.1 inch of precipitation and must be taken within the first 30 minutes of the discharge. According to Facility documentation, Quarterly Visual Monitoring was conducted on 12/14/2012, 3/12/2013, 4/15/2013, 9/13/2013, 12/6/2013 and 2/20/2014. The Facility failed to conduct Quarterly Visual Monitoring as required by Part IV.B.1.a.(2) of the MSGP as follows:
- a. According to historical precipitation data from a weather station in New York City, the Brooklyn, NY area received 0.00 inches of precipitation on 12/14/2012 and 4/15/2013, 0.09 inches of precipitation on 9/13/2013 and 0.02 inches of precipitation on 2/20/2014. In addition, the Facility's Quarterly Visual Monitoring Form's document 0.03 inches of rain on 12/14/2012, 0.01 inches of rain on 3/12/2013, and 0.06 inches of rain on 9/13/2013; and
 - b. According to Facility's Quarterly Visual Monitoring Forms, no grab samples were taken on all sample dates (12/14/2012, 3/12/2013, 4/15/2013, 9/13/2013, 12/6/2013 and 2/20/2014) as indicated by the "no sample" under the Parameter Characteristics column.
7. All six (6) Quarterly Visual Monitoring Forms in the SWPPP on-site did not include documentation of observations of floating solids as required by Part IV.B.1.a.(4) of the MSGP.
8. All six (6) Quarterly Visual Monitoring Forms in the SWPPP on-site did not include the certification statement provided in Part V.H of the MSGP as required by Part IV.B.1.a.(7) of the MSGP.
9. Part IV.B.1.b.(1) of the MSGP states that the owner or operator must perform and document at least one dry weather flow inspection each year after at least three (3) consecutive days of no precipitation. According to Facility documentation, the Facility conducted Annual Dry Weather Flow Inspections on 5/10/2013 and 5/13/2014. According to historical precipitation data from a weather station in New York City, the Brooklyn, NY area received 1.54 inches of precipitation on 5/8/2013, 0.75 inches of precipitation on 5/9/2013, 0.79 inches of precipitation on 5/10/2014 and 0.02 inches of precipitation on 5/11/2014.
10. The two (2) Annual Dry Weather Flow Inspections were documented by the Facility in a table and not in a report format and the table did not include the inspection time or non-authorized discharges as required by Part IV.B.1.b.(2) of the MSGP.
11. The following records required by the MSGP were not retained for a period of at least five (5) years as required by Parts IV.E.1 and IV.E.2.a of the MSGP:
- a. Comprehensive Site Compliance Inspection and Evaluation required at least annually by Parts IV.A and VIII of the MSGP for 2009, 2010, 2011, 2012 and 2013;

- b. Quarterly Visual Monitoring as required by Part IV.B.1.a of the MSGP for three (3) quarters in 2009, four (4) quarters in 2010, four (4) quarters in 2011 and three (3) quarters in 2012;
 - c. Annual Dry Weather Flow Monitoring as required by Part IV.B.1.b of the MSGP for 2009, 2010, 2011 and 2012;
 - d. Annual Certification Report as required by Part IV.C.1 of the MSGP for 2009, 2010, 2011, and 2012;
 - e. Storm Event Data Forms as required by Part IV.B.2.c associated with Quarterly Visual Monitoring for three (3) quarters in 2009, four (4) quarters each year for 2010, 2011, 2012 and 2013 and one (1) quarter in 2014; and
 - f. Part III.A of the MSGP states that a SWPPP shall be implemented by the owner or operator for each facility covered by the MSGP. Section 4.2.4 of the SWPPP states that the dry dock drainage system, shall be inspected on a weekly basis during dry dock activities. Dry Dock Drainage System inspection records were not available prior to January 2013.
12. At the time of the inspection, the Facility had not conducted and documented any annual Comprehensive Site Compliance Evaluations addressing those areas contributing to a stormwater discharge associated with industrial activity as required by Part VIII.R of the MSGP.

AREAS OF CONCERN:

1. The Quarterly Visual Monitoring conducted by the Facility is not documented using the NYSDEC's Quarterly Visual Monitoring Form.
2. Annual Dry Weather Flow Inspections for 2013 and 2014 were documented as being conducted at Outfalls 001, 002, 003, and 004, Quarterly Visual Monitoring Forms were completed for outfalls #1GD#1, #2Berth9, #3Berth#8, #4Berth#10. However, outfalls on the Site Map and in the Facility's submitted NOI are labeled as 001 – 009 and are inconsistent with the numbering system used on the inspection forms. Additionally, the Facility does not conduct and document monitoring at Outfalls 002, 003, 005 and 007.
3. At the time of the inspection, EPA Inspector McEathron observed a hole in the roof covering the hazardous waste area (see photograph DSCN2126.JPG). This results in stormwater entering and flowing downhill through the hazardous waste drum storage. At the time of the inspection, EPA Inspector McEathron observed trailing and pooling water that contained an oil sheen, downhill from the hazardous waste area (see photographs DSCN2121.JPG - DSCN2122.JPG).

ATTACHMENTS:

Photograph Log

Photographs

Facility Site Maps - Main Yard and Dry Dock 1

PHOTOGRAPH LOG:

Photograph Log – Unedited Photographs Taken May 15, 2014 by Kimberly McEathron with Nikon Coolpix AW100	
DSCN2119.JPG	Hazardous waste drum storage area
DSCN2120.JPG	2-55 gallon drums beyond roof at hazardous waste drum area
DSCN2121.JPG	Oil sheen on puddles at hazardous waste drum area
DSCN2122.JPG	Close up of oil sheen on puddles
DSCN2123.JPG	Unmapped catch basin #1 and 12-55 gallon drums exposed to stormwater southwest of hazardous waste drum area
DSCN2124.JPG	Close up inside catch basin

DSCN2125.JPG	Dark staining adjacent to catch basin southwest of hazardous waste area
DSCN2126.JPG	Hole in roof of hazardous waste area
DSCN2127.JPG	Inside catch basin #2, white/tan solids visible on Berth 9
DSCN2128.JPG	Catch basin #3, oil sheen on puddle into catch basin with metal plate over it on Berth 9
DSCN2129.JPG	Inside catch basin #3 with plate lifted
DSCN2130.JPG	Catch basin #4 with plate over it and red garnet spilled next to it on Berth 9
DSCN2131.JPG	11 Used paint cans in dumpster exposed to stormwater on Berth 9
DSCN2132.JPG	6-55 gallon hydraulic oil drums exposed to stormwater on Berth 9
DSCN2133.JPG	Close up of hydraulic oil label
DSCN2134.JPG	Vacuum blast equipment
DSCN2135.JPG	Grit spill on Berth 9
DSCN2136.JPG	Downhill catch basin #4
DSCN2137.JPG	Grit spill on Berth 9
DSCN2138.JPG	Additional 20 used paint cans exposed to stormwater on Berth 9
DSCN2139.JPG	Close up of used paint cans exposed to stormwater
DSCN2140.JPG	3 unmapped drains adjacent to the sewage storage tank on Berth 9
DSCN2141.JPG	Additional 19 paint cans exposed to stormwater on Berth 9, rust visible on lids
DSCN2142.JPG	Drain covered with metal plate downhill from paint cans
DSCN2143.JPG	5-55 gallon hydraulic oil drums exposed to stormwater on Berth 9
DSCN2144.JPG	Leak at Dry Dock 6 caisson gate, sediment berm at end of dry dock
DSCN2145.JPG	Stripping pump discharge Outfall 008, at north end of Dry Dock 6, discharging to East River
DSCN2146.JPG	Large pump and stripping pump at north end of Dry Dock 6
DSCN2147.JPG	Stripping pump discharge Outfall 005, at north end of Dry Dock 5, discharging to East River
DSCN2148.JPG	Large pump, leaks and berm at north end of Dry Dock 5
DSCN2149.JPG	Fuel tank and sewage tank
DSCN2150.JPG	Mechanic Shop
DSCN2151.JPG	2-55 gallon gasoline drums exposed to stormwater adjacent to the mechanic shop
DSCN2152.JPG	Inside catch basin #5 on Berth 9
DSCN2153.JPG	Sewage tank on Berth 9
DSCN2154.JPG	South end of Dry Dock 5 containing a large pile of spent grit, soil, trash and other materials
DSCN2155.JPG	Catch basin #6 filled with sediment, located between Berths 8 and 9
DSCN2156.JPG	Close up of sediment in catch basin #6
DSCN2157.JPG	Uncovered dumpster and spent grit layer on ground on Berth 8
DSCN2158.JPG	2 nd uncovered dumpster and spent grit layer on ground on Berth 8
DSCN2159.JPG	Spent grit pile covered with tarp on Berth 8
DSCN2160.JPG	Spent grit pile covered with tarp on Berth 8
DSCN2161.JPG	Catch basin #7 containing pooling water and grit on Berth 8
DSCN2162.JPG	Catch basin #7 containing pooling water and grit, downhill from spent grit pile on Berth 8
DSCN2163.JPG	Catch basin #8 containing brown foamy liquid on Berth 8
DSCN2164.JPG	Clam shell containing grit exposed to stormwater on Berth 8
DSCN2165.JPG	Water draining from vessel in Dry Dock 5
DSCN2166.JPG	Catch basin #9 filled with sediment on Berth 8
DSCN2167.JPG	Close up of catch basin #9 filled with sediment on Berth 8
DSCN2168.JPG	Catch basin #10 covered with blasting glass on Berth 8
DSCN2169.JPG	Dry Dock 3 (wet berth)

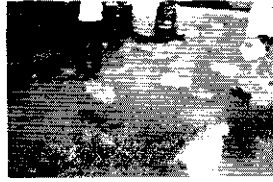
DSCN2170.JPG	Dry Dock 3 (wet berth)
DSCN2171.JPG	Partially uncovered spent grit pile on Berth 8
DSCN2172.JPG	Catch basin adjacent to Dry Dock 1 filled and covered with sediment
DSCN2173.JPG	Stormwater Outfall 001
DSCN2174.JPG	Stripping pump discharge Outfall 002 at Dry Dock 1
DSCN2175.JPG	Leak in caisson gate at Dry Dock 1
DSCN2176.JPG	Dry Dock 1
DSCN2177.JPG	Sump pump at Dry Dock 1
DSCN2178.JPG	Dry Dock 1
DSCN2179.JPG	Sump pump discharge point to East River at Dry Dock 1
DSCN2180.JPG	Unmapped catch basin at Dry Dock 1



DSCN2119.JPG



DSCN2120.JPG



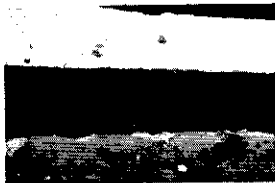
DSCN2121.JPG



DSCN2122.JPG



DSCN2123.JPG



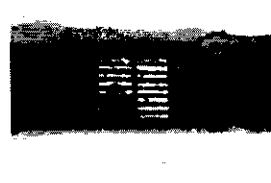
DSCN2124.JPG



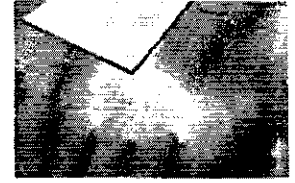
DSCN2125.JPG



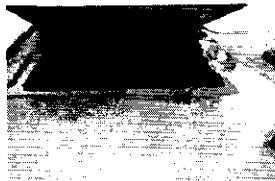
DSCN2126.JPG



DSCN2127.JPG



DSCN2128.JPG



DSCN2129.JPG



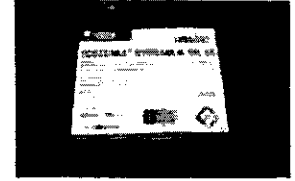
DSCN2130.JPG



DSCN2131.JPG



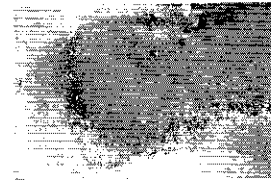
DSCN2132.JPG



DSCN2133.JPG



DSCN2134.JPG



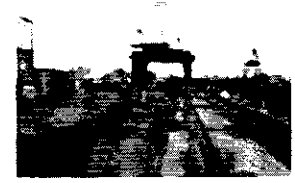
DSCN2135.JPG



DSCN2136.JPG



DSCN2137.JPG



DSCN2138.JPG



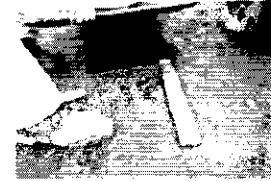
DSCN2139.JPG



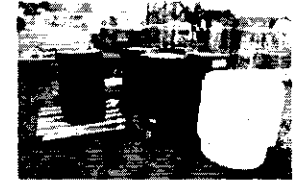
DSCN2140.JPG



DSCN2141.JPG



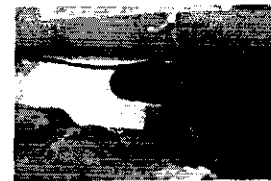
DSCN2142.JPG



DSCN2143.JPG



DSCN2144.JPG



DSCN2145.JPG



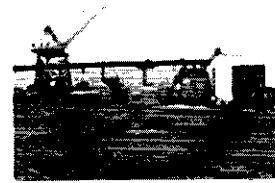
DSCN2146.JPG



DSCN2147.JPG



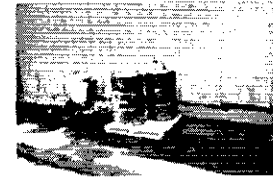
DSCN2148.JPG



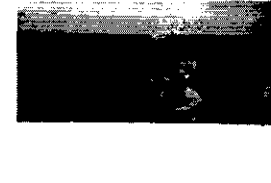
DSCN2149.JPG



DSCN2150.JPG



DSCN2151.JPG



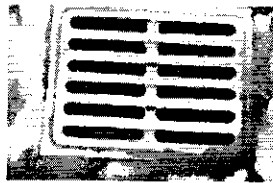
DSCN2152.JPG



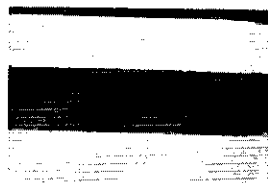
DSCN2153.JPG



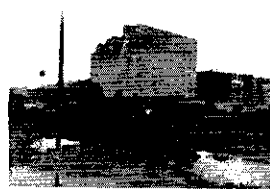
DSCN2154.JPG



DSCN2155.JPG



DSCN2156.JPG



DSCN2157.JPG



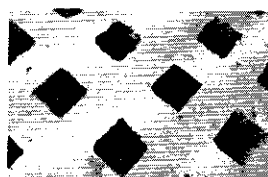
DSCN2158.JPG



DSCN2159.JPG



DSCN2160.JPG



DSCN2161.JPG



DSCN2162.JPG



DSCN2163.JPG



DSCN2164.JPG



DSCN2165.JPG



DSCN2166.JPG



DSCN2167.JPG



DSCN2168.JPG



DSCN2169.JPG



DSCN2170.JPG



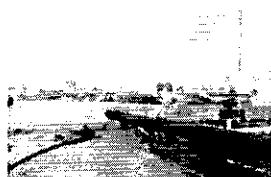
DSCN2171.JPG



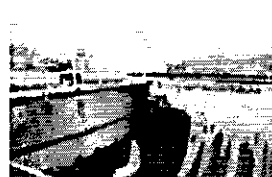
DSCN2172.JPG



DSCN2173.JPG



DSCN2174.JPG



DSCN2175.JPG



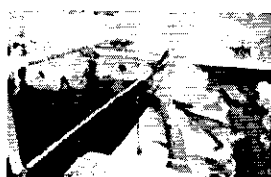
DSCN2176.JPG



DSCN2177.JPG



DSCN2178.JPG



DSCN2179.JPG



DSCN2180.JPG

